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Protracted conflicts in the GUAM area and their implications for international peace, security and development

The situation in the occupied territories of Azerbaijan

Elimination of racism, racial discrimination, xenophobia and related intolerance

Identical letters dated 27 February 2012 from the Permanent Representative of Azerbaijan to the United Nations addressed to the Secretary-General and the President of the Security Council

I have the honour to draw your attention to the letter dated 10 February 2012 from the Permanent Representative of the Republic of Armenia (S/2012/88) in connection with the briefing by the Chairperson-in-Office of the Organization for Security and Cooperation in Europe (OSCE) to the Security Council on 9 February 2012. The curiousness of the letter is self-evident as the arguments contained therein are based on the total distortion of facts and documents and thus do not stand up to criticism.

Serious doubts arise as to the true intention behind the submission of the aforementioned letter. Thus, the day following the briefing by the Chairperson-in-Office of OSCE to the Security Council, the content of the letter, before having been made available to the States members of the Council and published in due course as its document, appeared first in Armenia's mass media outlets. Consequently, the implication here is that the Permanent Representative of Armenia, who addressed the letter to the President of the Security Council and requested its circulation as a document of the Security Council, in reality, was in a hurry to make as soon as possible excuses to his own public rather than to inform the Security Council and the broader international community about the position of his Government.

The emotional and logical imbalance of the letter is also evident. Suffice it to note at least the author's unconcealed annoyance at Azerbaijan's membership in the Security Council. However, while referring thrice in his letter to this new status of Azerbaijan, the Permanent Representative of Armenia passes over in silence the fact that his own Government preferred to step aside from competition with Azerbaijan

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and decided to withdraw its candidacy before the elections. In reality, that was a surprisingly wise decision, taking into consideration Armenia's apparent failure to meet one of the major requirements set forth in Article 23 of the Charter of the United Nations with respect to the membership of the Security Council, namely to contribute to the maintenance of international peace and security and to other purposes of the United Nations.

Furthermore, careful reading of the aforementioned letter of the Permanent Representative of Armenia reveals a number of misinterpretations and inconsistencies, usual for Armenia's propaganda.

Thus, the author of the letter distorts the title of the 2010 OSCE Astana Summit document, to which he refers (the original title is "Astana Commemorative Declaration towards a Security Community" and not "Astana Summit Declaration"). Besides, whereas the Heads of State and Government of the 56 participating States of OSCE declared in the Declaration that "increased efforts should be made to resolve existing conflicts in the OSCE area in a peaceful and negotiated manner, within agreed formats, fully respecting the norms and principles of international law enshrined in the United Nations Charter, as well as the Helsinki Final Act", the letter of the Permanent Representative of Armenia completely drops the reference to such important words as "fully respecting the norms and principles of international law enshrined in the United Nations Charter, as well as the Helsinki Final Act".

One might perceive such an editing of an agreed document as unintentional if, in reality, it were not a disturbing tendency. Among numerous facts in this regard, which the delegation of Azerbaijan is ready to share with interested Member States, suffice it to recall one of the earlier documents circulated at the request of the Permanent Representative of Armenia (A/63/781-S/2009/156), in which the title and content of the "Joint Declaration of the Republic of Armenia, the Republic of Azerbaijan and the Russian Federation" signed on 2 November 2008 by the Heads of three States, were distorted in a manner so characteristic of Armenia's propaganda (see the comments made in this regard by Azerbaijan in document A/64/475-S/2009/508, annex, paras. 9 and 10).

Furthermore, in his letter, the Permanent Representative of Armenia thanks the President of the Security Council for conve[illegible]g the annual briefing by the Chairperson-in-Office of OSCE, and also welcomes the latter's goals for 2012 and expresses readiness to work closely towards their realization. Then, having contradicted himself, the Armenian ambassador asks the curious question "what is the sense of the Azerbaijani attempt to open discussions on the Nagorno Karabakh issue in the Security Council?". It seems the Permanent Representative of Armenia has not paid sufficient attention to the content of the briefing and the statements by the members of the Security Council. Indeed, in his briefing, the Chairperson-in-Office of OSCE presented the main priorities to the attention of the Security Council, including the settlement of a number of conflicts that persist in the OSCE area, and, in this context, specifically referred to the Daghlyq Garabagh (Nagorno Karabakh) conflict. During the discussion following the briefing, the same conflict and its settlement process were mentioned also in the statements made by the representatives of France, Germany, South Africa, Togo (President of the Security Council for the month of February) and the United States of America, while some other members of the Security Council expressed their concern about the threat to security that protracted and unresolved conflicts in the OSCE area continue to

present. Accordingly, as in previous years on the same occasion, discussions on the Daghlyq Garabagh issue in the Security Council were opened by the Chairperson-in-Office of OSCE and supported by six members of the Security Council, including Azerbaijan.

Moreover, the Armenian side must be aware that, in its resolutions 822 (1993), 853 (1993), 874 (1993) and 884 (1993), the Security Council not only referred to and supported the OSCE-led conflict settlement process, but also endorsed the continuing efforts by the Minsk Group of the Conference on Security and Cooperation in Europe (CSCE), including efforts to implement those resolutions. In addition, in the latest of those resolutions (884 (1993)) the Council requested "that the Secretary-General, the Chairman-in-Office of CSCE and the Chairman of the Minsk Conference continue to report to the Council on the progress of the Minsk process and on all aspects of the situation on the ground, in particular on the implementation of its relevant resolutions, and on present and future cooperation between CSCE and the United Nations in this regard".

The Permanent Representative of Armenia further groundlessly blames Azerbaijan for allegedly misinforming the members of the Security Council about the work and conclusions of the OSCE 2005 fact-finding and 2010 field assessment missions to the occupied territories of Azerbaijan. In this regard, it should be recalled that those missions visited the occupied territories on the initiative put forward by Azerbaijan within the United Nations and that Armenia, as the occupying Power, is the only addressee of the call of the Co-Chairs of the OSCE Minsk Group to refrain from actions that would change the demographic, social or cultural character of the occupied territories of Azerbaijan (such as further settlement, the erection of monuments and the changing of place names) (see A/59/747-S/2005/187, A/64/760-S/2010/211, A/65/801-S/2011/208).

It is notable that the letter from the Permanent Representative of Armenia was addressed to the President of the Security Council, which in the series of four resolutions mentioned above unambiguously condemned the use of force to occupy the territory of Azerbaijan and demanded immediate, full and unconditional withdrawal of the Armenian occupying forces from all the occupied territories of Azerbaijan. Despite attempts by the Armenian side to misinterpret the object and purpose of those resolutions, the terminology contained therein and the position of the United Nations are self-explanatory. Thus, as far back as 1994, the Secretary-General of the United Nations made it clear that "the position of the United Nations is based on four principles which have been mentioned in the different resolutions of the Security Council. The first principle is the territorial integrity of Azerbaijan. The second principle is the inviolability of the international boundaries; the third principle is the inadmissibility of the use of force for the acquisition of territory; and the fourth principle is the immediate and unconditional withdrawal of all foreign troops from occupied territories of Azerbaijan". It is obvious that Armenia is not a detached onlooker in this situation. Numerous facts leave no doubt that it is Armenia which is the occupier of the territories of Azerbaijan and that this Member State's behaviour entails its responsibility under international law.

Armenia pretends to be preoccupied with Azerbaijan's military budget increase and alleged warmongering and ceasefire violations. At the same time, it is well known that the annual defence spending of Azerbaijan remains in line with overall budget increases; that Azerbaijan continues to spend a much smaller percentage of

its gross domestic product on the army than Armenia; and that the size of the armed forces of Azerbaijan is proportional to its population, territory and length of borders and remains less than Armenia's. It is worthwhile mentioning in this regard that President Serj Sargsyan of Armenia stated, during his visit to NATO headquarters in 2010, that "[t]he Armenian army has types of ammunition that countries 10 times the size of Armenia would dream of having" (see press point with the NATO Secretary General and the President of Armenia, http://www.nato.int/cps/en/natolive/opinions_63920.htm). These words are self-explanatory. The Armenian side also omits to clarify that the arms control mechanism is not effective in the occupied territories of Azerbaijan and that Armenia deploys, beyond international control, a great number of armaments and ammunition in these territories.

In its unconvincing attempts to draw the international community's attention away from the main problems by claiming that Azerbaijan has allegedly rejected the proposal on the withdrawing of snipers from the front line, the Armenian propaganda falls into its usual forgetfulness. Otherwise, the Permanent Representative of Armenia would recollect his Government's non-compliance with the relevant resolutions of the Security Council and the General Assembly, which, inter alia, demanded immediate, complete and unconditional withdrawal of all Armenian forces from all the occupied territories of Azerbaijan, as well as with numerous documents and decisions of other international organizations calling for an end to the occupation of Azerbaijani lands.

Moreover, as we have repeatedly reported, deliberate attacks by the armed forces of Armenia against Azerbaijani civilians and civilian objects have become more frequent and violent in recent times, resulting in the killing and maiming of many inhabitants residing near the front line. It is also notable that, on a number of occasions, sniper attacks on Azerbaijani civilians and other provocative actions coincided with the intensification of peace efforts.

In reality, attempts by the Armenian side to misinterpret the norms and principles of international law and its insistence on unrealistic annexationist claims, which Azerbaijan will never accept, speak to the real intentions of the leadership of Armenia and represent an open challenge to the conflict settlement process and a serious threat to international and regional peace and security. In this context, the Republic of Azerbaijan is confident that the approaches of the international community, which are based on strict compliance with the Charter of the United Nations and international law, will never be in line with the approaches of Armenia unless the latter ceases its destructive policy of annexation and ethnic cleansing, renounces attempts to undermine the peace process and ensures that the occupation of the territories of Azerbaijan is ended and that the inalienable right of Azerbaijani internally displaced persons to return to their places of origin is recognized and implemented.

I should be grateful if you would have the present letter circulated as a document of the General Assembly, under agenda items 35, 39 and 67, and of the Security Council.

(*Signed*) Agshin **Mehdiyev**
Ambassador
Permanent Representative

United Nations S/2012/126

Security Council

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Letter dated 29 February 2012 from the Permanent Representative of Eritrea to the United Nations addressed to the President of the Security Council

I have the honour to forward herewith a letter (see annex) from Isaias Afwerki, President of the State of Eritrea, dated 28 February 2012, in connection to Ethiopia's illegal occupation of sovereign Eritrea territories that were awarded by the independent Eritrea-Ethiopia Boundary Commission, which was established to delimit and demarcate the border pursuant to the Algiers Agreement.

I would be most grateful if the present letter and its annex could be circulated as a document of the Security Council and brought to the attention of its members.

(*Signed*) Araya **Desta**
Ambassador and Permanent Representative

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Annex to the letter dated 29 February 2012 from the Permanent Representative of Eritrea to the United Nations addressed to the President of the Security Council

It has been 10 years now since the Eritrea-Ethiopia Boundary Commission rendered its delimitation decision on 13 April 2002 and subsequently technically demarcated the border on the basis of international law and international treaties.

Throughout this period, the United States of America has continued to incessantly and systematically impede the implementation of the "final and binding" ruling in order to promote its misguided policies and interests in the Horn of Africa region.

The ill-advised policies that the United States has pursued in the past 20 years in the international arena as a whole, with its inevitable ramifications in our specific region, are characterized by a propensity to instigate flashpoints of regional instability and crises so as to control, for an indefinite period of time, the suffering of the affected peoples and the economic destitution of countries through "crisis management". The embroiling in insidious tension and holding hostage of the peoples of Eritrea and Ethiopia for 10 years now, through unwarranted obstacles and by undermining the rule of law, is a vivid illustration of this policy.

The subtle ploy that the United States employs to advance these ill-advised policies is to prop up and give succour to what it terms as "anchor States" and to use them to induce regional instability and insecurity. This is better amplified by the audacity of the regime in Addis Ababa that has been emboldened, through the tutelage and encouragement of the United States, to invade and occupy sovereign Eritrean territories for over 10 years.

Throughout the past 10 years, the United States has been advancing, under the spurious pretext of "dialogue" and contrary to express legal provisions of the Peace Agreement, various arrangements so as to derail and obstruct the implementation of the "final and binding" arbitral ruling of the Eritrea-Ethiopia Boundary Commission and to perpetuate and aggravate the prevailing crisis. In the process, it has created facts on the ground to advance its perceived interests.

The Security Council too has not been spared from these illegal and pretentious schemes. Indeed, to buttress its ill-advised policies of destabilization, the United States has managed to use the mantle of the Security Council to pass and impose resolutions that violate the sovereignty, territorial integrity, independence and unity of States Members of the United Nations through misinformation and fabricated accusations in breach of international law and the Charter of the United Nations. The resolution that it managed to stealthily impose on Eritrea through groundless and unrelated accusations in 2009 and the subsequent resolution adopted by the Security Council in 2011 on the basis of similar spurious allegations constitute ominous illustrations of this established "pattern". The ultimate purpose of these machinations is to expand and reinforce the "sanctions regime" on Eritrea so as to cover up its own wrongdoings as well as to prepare the ground for a new war of aggression.

The United States misconstrued the crisis in Somalia and the "spectre of terrorism", which it has itself fuelled to a large extent, ascribing it to and wrongly implicating Eritrea. Similarly, the presumed "border dispute between Eritrea and

Djibouti", which the United States instigated in the first place and frantically sought to aggravate, was invoked to pile up malicious accusations against Eritrea to justify and ram through punitive measures against it in the name of the Security Council. All of these schemes were woven in order to impair and undermine the capabilities of the people and Government of Eritrea to defend their sovereignty, territorial integrity and independence; to suppress the rule of law; to muzzle them; and to tie their hands so as to weaken their resolve to defend their sacrosanct rights.

In this elaborate game of deceit and subversion, the United States has unscrupulously used the "Monitoring Group", which it has turned into an appendage of its institutions, to embellish and "validate as truth" all the invectives peddled against Eritrea by its arch-enemies and detractors. This act has made a parody of established norms of independent enquiries and fact-finding missions; and the deplorable collaboration of the "Monitoring Group" in the endeavour to discredit the central issue of the violation of the "final and binding" ruling of the Eritrea-Ethiopia Boundary Commission and to exacerbate regional tension is both inexcusable and indictable.

To cover up the futility of its wrong policies, the United States has not only been confined to making a scapegoat of the people and Government of Eritrea by imposing sanctions against them in the name of the Security Council. To push its agenda of "regime change" that violates the sovereignty, territorial integrity and independence of countries, and that infringes on the Charter of the United Nations and international law, the United States has financed and armed terrorist groups and used Ethiopian territory as a staging ground and the Addis Ababa regime as a suitable vehicle to conduct and manage illicit and destructive acts against the people and Government of Eritrea. This is corroborated by documented evidence.

Beyond funding and managing these subversive activities, the United States is also engaged in hostile and illegal acts aimed at stifling Eritrea's economic progress and in aggravating the welfare of the Eritrean people inside the country as well as in the diaspora. These appalling acts are well documented.

What is the position of the Security Council and where does it stand in the face of these misguided United States policies that undermine regional and international peace and security; that suppress law and the rule of law; that strangle treaties and international law; and that exacerbate the suffering of peoples while wreaking havoc on economic development?

The Government and people of Eritrea have persisted in clarifying their stance and renewing their appeals without relent for the past 10 years since the Eritrea-Ethiopia Boundary Commission gave its "final and binding" arbitral decision and in spite of the numerous injustices, violation of rights and "sanctions" that they had to endure. On the occasion of the tenth year of "the breach of the rule of law" and repetitive and overt transgressions, the Government of Eritrea urges the Security Council to:

(a) Ensure the respect of the "final and binding" arbitral ruling in accordance with the provisions of international law, and the sanctity of the sovereignty, territorial integrity and independence of States Members of the United Nations; and to ensure the dismantling of the occupation of sovereign Eritrean territories;

(b) Deter subversive acts conducted by the United States against the people and Government of Eritrea directly or by proxy in its bid to overshadow and derail

the central issue on the one hand, and to cover up its failed policies of stoking regional crises and popular sufferings on the other;

(c) Annul the unjust resolutions imposed on Eritrea in the name of the Security Council through United States pressure;

(d) Establish an independent, transparent and accountable enquiry committee to ascertain the real facts on the ground so as to enable the Security Council to discharge its principal function of the maintenance of regional and international peace on the basis of the rule of law.

(*Signed*) Isaias **Afwerki**

United Nations S/2012/127

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Letter dated 29 February 2012 from the Permanent Representative of the Sudan to the United Nations addressed to the President of the Security Council

Further to our complaint, which I filed on 27 February 2012, regarding the military aggression against the territorial integrity of the Republic of the Sudan by SPLA-Northern sector and the rebel movements of Darfur (S/2012/118), which was launched from inside the territories of the Government of South Sudan and supported by the Armed Forces of Southern Sudan, I have further the honour to convey to the esteemed Council that the armed elements of the Justice and Equality Movement (JEM), which crossed the international borders and hosted in Tumsaha area in Southern Sudan, has participated in the recent aggression against the Sudanese Armed Forces in the area of the Abiad Lake in Southern Kordofan.

The Armed Forces of Southern Sudan facilitated the transportation of the Justice and Equality armed elements from Tumsaha area and its surroundings in Balila and Mishaish to Raja area, and then to Aweil, Abiminun and to Faryang, and they were stationed in that area on 9 February instant awaiting to participate in the recent aggression against our armed forces in the Abiad Lake.

Worth mentioning, on 11 February all the above-mentioned information regarding the movement of the armed elements of Justice and Equality inside the territories of Southern Sudan was conveyed, through the competent authorities of the Sudan in Addis Ababa, to the Chief of Staff of the Sudan People's Liberation Army (SPLA) of Southern Sudan, who in turn denied that they are Justice and Equality Forces but confirmed that those forces belong to SPLA-Northern sector. Notwithstanding the denial of the Chief of Staff of the Government of the South that those forces are not JEM forces, his reply proves in categorical manner that the involvement of Southern Sudan in the aggression of 26 instant, it also confirms that the aggression was launched from South Sudan territories, in violation of the memorandum of non-aggression agreed upon recently by the two countries under the auspices of Mr. Thabo Mbeki.

Furthermore, I would like to clarify that the Abiad Lake is divided between the Republic of the Sudan and the Republic of South Sudan by the border line of January 1956 and there is no dispute on that, the whole of the Abiad Lake area is not among the four or five disputed areas on the border between the two countries, and our armed forces, which were attacked by SPLA and JEM forces, were stationed inside the territories of the Republic of the Sudan.

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I would like to remind the esteemed Council that the Summit of the International Conference on the Great Lakes Region, which was convened in Kampala, Uganda, in December 2011, qualified the role played by the Justice and Equality as negative and equated it with the role that the Lord's Resistance Army is playing in the region.

In conclusion, the Government of the Sudan, which exercises self-restraint towards the continued aggression by the Republic of South Sudan, urges the esteemed Council to call on the Government of South Sudan to refrain immediately from its aggression and the assistance it renders to the various rebel movements. If the Government of South Sudan does not heed such a call, the Government of the Republic of the Sudan reserves the right to respond to any aggression from the South to ensure the safety and security of its territorial integrity.

I would highly appreciate if the present letter could be circulated as a document of the Security Council.

(*Signed*) Daffa-Alla Elhag Ali **Osman**
Permanent Representative

United Nations S/2012/128

Security Council

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Report of the Secretary-General on the United Nations Stabilization Mission in Haiti

I. Introduction

1. By its resolution 2012 (2011) of 14 October 2011, the Security Council extended the mandate of the United Nations Stabilization Mission in Haiti (MINUSTAH) until 15 October 2012, and requested me to report on its implementation semi-annually and not later than 45 days prior to its expiration. The present report covers major developments from the issuance of my report of 25 August 2011 (S/2011/540) until 28 February 2012, and outlines activities undertaken by the Mission in line with its mandate under Security Council resolutions 1542 (2004), 1608 (2005), 1702 (2006), 1743 (2007), 1780 (2007), 1840 (2008), 1892 (2009), 1908 (2010), 1927 (2010), 1944 (2010) and 2012 (2011).

II. Political and security update

Political situation

2. After the issuance of my previous report outlining the political stalemate between the President of Haiti and the Haitian Parliament, a compromise was finally reached on the appointment of a Prime Minister. On 16 September, four months into the term of President Michel Joseph Martelly, the Chamber of Deputies unanimously voted to ratify his third nominee for Prime Minister, Garry Conille. The Senate ratified President Martelly's choice shortly thereafter, following intense debate and negotiation over the composition of the Cabinet. Mr. Conille and his Cabinet, which included several confidants of President Martelly, were formally sworn in on 18 October.

3. Despite President Martelly's call in his address before Parliament on 9 January for a national consensus among the executive, legislative and judiciary branches to ensure the coherence of Government actions, two major political controversies contributed to a strained relationship between the executive and legislative branches during the reporting period. These concerned the arrest, late in October, despite his parliamentary immunity, of Deputy Arnel Bélizaire (West Department) and allegations, late in November, by Senator Jean-Charles Moïse accusing President Martelly and other senior Government officials of holding foreign citizenship, which is strictly prohibited by the Haitian Constitution. The former incident led to the resignation in November 2011, under intense parliamentary pressure, of the

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Minister of Justice, Josué Pierre-Louis. On 9 February, the parliamentary commission investigating the circumstances of Mr. Bélizaire's arrest submitted its report, finding the arrest arbitrary and accusing the former chief prosecutor of ordering the arrest. The dual citizenship allegations have set in motion a series of difficult confrontations between the presidency and Parliament. This has all but halted collaboration and paralysed progress on the development of a consensual legislative agenda, adoption of the national budget and publication of a calendar for the forthcoming partial legislative, municipal and local elections. The work of the Senate commission established to investigate the dual citizenship matter is ongoing.

4. On 24 February, the Prime Minister, Garry Conille, submitted his letter of resignation to President Martelly, who subsequently accepted. This followed prolonged tensions between the President and the Prime Minister, including over the question whether Government Ministers, as Mr. Conille had proposed, should submit their documents to the Senate Commission on dual citizenship. The Prime Minister and his Cabinet are expected to continue to serve in a caretaker function until a new government is appointed.

5. On 21 December, on the occasion of a visit to Haiti by the Club de Madrid, President Martelly announced his intention to advance in the process of publishing the constitutional amendments in a timely manner. However, on 13 January, he stated that he would await the publication of the report by the Senate special commission on the constitutional amendments. President Martelly's position seemed to echo the opinion of certain political actors and presidential advisers who favour the adoption of a new constitution rather than the amendment of the current one. President Martelly's reluctance to publish the constitutional amendments, together with his dissolution of the Provisional Electoral Council on 29 December 2011, means that a new provisional council will probably need to be established, rather than the permanent council provided for in the amendments. In January and February, leaders of several political parties, including the Rassemblement des démocrates nationaux progressistes, Fusion and the Organisation du peuple en lutte, called on the Government to consult with political parties on the establishment of a credible and transparent electoral council, regardless of the final decision concerning the publication of the constitutional amendments.

6. The first ordinary session of Parliament for 2012 opened on 9 January and was marked by the ratification, on 31 January, by a joint session of the Senate and Chamber of Deputies of the International Covenant on Economic, Social and Cultural Rights. This outcome reflected the new Parliamentary leadership's commitment to ratifying a number of landmark treaties and conventions during the term of the 49th Legislature. On the same occasion, President Martelly delivered a speech describing the serious structural problems and socio-economic issues that affect Haiti and expressed his desire to change this situation through effective public policies that would reduce the poverty affecting millions of Haitians.

7. Given his campaign promise to re-establish the Haitian army, on 16 September President Martelly unveiled a preliminary plan outlining the mission and strength of the new army. On 1 January, he announced that the civil commission reviewing the reinstatement of the armed forces, which was established by presidential decree in December 2011, had completed its preliminary report and that the report would shortly be submitted for consultations with the three branches of Government as well as civil society and the private sector. In response to President Martelly's plan,

international partners noted Haiti's sovereign right to establish a standing army. They cautioned, however, that the future army should be subject to democratic oversight and accountability, that it should not be restored at the expense of the development of the Haitian National Police, and that its scope and composition should be informed by a broader security sector review. They also stated that the project will not find financial support from the international community.

8. While no public calls had been made for the remobilization of the armed forces, by mid-February a number of seemingly organized and armed groups of former members of the Haitian armed forces had resurfaced in several departments, which constituted a potential source of instability. On 14 February, after a meeting with my Special Representative, the Minister of the Interior called upon those groups to desist and return home, stating that the Government had not allowed such mobilization. He added that Haiti's army would be restored in due course, but in a closely managed and orderly fashion. Despite the Minister's call, more and more large groups of former army elements and new recruits were witnessed conducting training exercises throughout the country late in February, raising questions about their sources of support and funding.

Security assessment

9. The overall security situation throughout the reporting period remained relatively stable, albeit fragile owing to sporadic instances of civil unrest linked primarily to political uncertainty and socio-economic grievances. The incidence of politically motivated violence has significantly diminished. In this context, MINUSTAH began the mandated drawdown of its post-earthquake surge of military and police capabilities, which is due to be completed by the end of June 2012.

10. There was no significant change in the incidence of crimes such as murder, rape and kidnapping compared to the previous reporting period. From September to December 2011, the number of homicides across Haiti decreased to 65 per month compared to 76 per month in the previous reporting period. The incidence of reported kidnappings increased slightly, to an average of 13 cases per month compared to 12 cases per month in the previous period. The incidence of reported cases of rape decreased to 40 per month from a monthly average of 43 in the previous reporting period. This last trend may reflect a decrease in the reporting of rapes rather than an actual decrease in the number of rapes.

11. MINUSTAH military and police personnel continued to play a vital role in the maintenance of overall security and stability. Although the performance of the Haitian National Police is gradually improving, the institution is not yet in a position to assume full responsibility for the provision of internal security. MINUSTAH continued to focus its efforts on the protection of vulnerable groups, particularly women and children, both by enhancing community-based policing strategies throughout Haiti, and by further reinforcing its military and police presence in violence-prone areas and camps for internally displaced persons. From September to December 2011, MINUSTAH military and police components carried out 4,455 joint patrols with the Haitian National Police in Port-au-Prince and its vicinity, and 15,001 joint patrols in the rest of the country. During this period, MINUSTAH military and police conducted 29,471 patrols in camps for internally displaced persons in the Port-au-Prince metropolitan area and 10,457 patrols in camps outside Port-au-Prince.

12. The MINUSTAH military and police components also jointly conducted anti-crime operations with the Haitian National Police, such as cordon and search operations and arrests of gang members. In the case of demonstrations and civil unrest, MINUSTAH personnel provided back-up and support as needed. From September to December 2011, MINUSTAH carried out 6,811 joint operations in the Port-au-Prince metropolitan area, aimed at disrupting the activities of criminal groups. During this period, five gang members were arrested. These efforts were supported by integrated threat analysis and information-gathering operations.

III. Humanitarian and recovery update

13. Haiti continued to face significant humanitarian challenges, with large numbers of camp residents still dependent on assistance for their basic survival. As of January 2012, there were approximately 515,000 camp residents, including internally displaced persons, living at 707 sites, the majority of which are in or around Port-au-Prince. This represents a reduction of 119,000 persons (or 19 per cent of the total) and 394 sites since June 2011. The ongoing cholera epidemic, food insecurity and the country's extreme vulnerability to natural disasters have compounded the hardships faced by the Haitian population. During the reporting period, more than 1.5 million people, including 1.1 million children, remained dependent on food assistance provided by the World Food Programme.

14. Recovery and reconstruction efforts progressed, albeit slowly. Certain critical humanitarian needs, especially those related to water and sanitation in camps, received diminished attention as certain humanitarian partners phased out their activities for lack of funding. The 2011 consolidated appeal for Haiti was funded with $210.4 million, which represented only 55 per cent of its revised requirements ($382.4 million). In December 2011, the humanitarian community launched its consolidated appeal for 2012, calling for $230.5 million in additional funds for life-saving humanitarian programmes and targeted interventions focused on emergency preparedness and response. During the reporting period, further progress was made in strengthening the capacity of the Haitian Directorate of Civil Protection to lead disaster response and prevention efforts across the country at both the national and local levels. Several initiatives were undertaken to strengthen coordination and partnerships between the Directorate, humanitarian partners, the United Nations and local organizations, such as joint simulation exercises, which involved more than 50 partners, including MINUSTAH, the United Nations country team, local and international non-governmental organizations, and members of civil society. Eleven contingency plans, including a national plan and one for each of the country's 10 departments, were developed with the help of the United Nations and other international partners. The United Nations Development Programme (UNDP) also provided offices and information technology equipment to the National Emergency Operations Centre and reinforced the capacity of the 10 departmental emergency operation centres, through the hiring of additional staff and the provision of communications equipment, thus ensuring a more sustained presence of the Directorate of Civil Protection in the regions. In January 2012, the Central Emergency Response Fund managed by the Office for the Coordination of Humanitarian Affairs allocated $8 million to address the pressing needs of vulnerable populations still living in camps.

15. Haiti's recovery has been hampered by the expiration in October 2011 of the mandate of the Interim Haiti Recovery Commission and the uncertainty surrounding its renewal or the establishment of alternative donor coordination arrangements. As of January 2012, national Governments and multilateral institutions had disbursed 52.9 per cent ($2.38 billion) of the $4.50 billion in recovery programme funds pledged for the 2010-2011 period. Those donors had also contributed $996 million in debt relief for Haiti. As of November 2011, the humanitarian community managed the construction of at least 100,000, or 90 per cent, of the 111,000 planned transitional shelters for 2011, providing housing for 420,000 persons. Several relocation programmes managed by the Government, with the support of the United Nations country team, facilitated the return of more than 1,500 families to their neighbourhoods. Moreover, 25,000 homes damaged by the earthquake have been rebuilt with assistance from humanitarian partners. The European Union also pledged €33 million to build 11,000 homes in two neighbourhoods of Port-au-Prince. However, an estimated 515,000 people living in camps are still in need of housing solutions.

16. Visible advances in post-earthquake recovery and reconstruction included the removal, by February 2012, of more than half of earthquake-related debris, 10 per cent of which was cleared through United Nations-supported programmes. More than 400,000 people have been employed for an average of three months in cash-for-work programmes. By December 2011, 636 schools, including 477 semi-permanent and 159 permanent schools, have been rebuilt with support from education sector partners, representing close to 16 per cent of destroyed or unusable buildings. Furthermore, 80 per cent of the children still living in camps were attending school. There was also a significant expansion of preventative and curative nutrition services for children and women, as the United Nations supported the establishment of 290 outpatient nutrition treatment units and 24 in-patient stabilization units.

IV. Activities of the United Nations Stabilization Mission in Haiti

Support for the political process

17. Since the swearing-in of the new Cabinet, MINUSTAH, through the good offices of my Special Representative, has intensively engaged with the key political decision makers of Haiti to encourage collaboration between the executive and legislative branches of Government. MINUSTAH has repeatedly facilitated dialogue between leaders of both branches and other key political actors, allowing them to move forward on critical political processes such as the elaboration of a legislative agenda for the ongoing parliamentary session, justice reform, the functioning of the Supreme Court, police reform and electoral preparations. The Mission's support to the political process is increasingly focused on the key mandated priority of reinforcing Haiti's institutions at the national and local level, by advocating for a political pact to advance the stabilization and development of Haiti.

18. My Special Representative has made a number of proposals to the President, the Prime Minister and the Presidents of the Senate and Chamber of Deputies on how MINUSTAH can, in line with its mandate, effectively support their policy goals. As a result, the Mission is working with Haiti's political leaders to develop a road map of mutual commitments regarding actions to be taken to strengthen

institutions, improve the rule of law and promote sustainable development in Haiti. The Mission's strategic support to the political process includes close cooperation with Haiti's international partners, including the diplomatic corps in Port-au-Prince, to create momentum around the Government's priorities.

Support for forthcoming elections

19. President Martelly issued a decree on 29 December 2011 dissolving the Provisional Electoral Council, following a period of institutional paralysis caused by allegations of corruption and fraud against three counsellors, including the President of the Council, Gaillot Dorsainvil. While judicial proceedings against Mr. Dorsainvil have begun, he has thus far refused to appear before the investigating judge, claiming that the Constitution grants him immunity from the jurisdiction of the court. The lack of a functioning electoral council during the reporting period has limited the impact of the institutional support efforts of MINUSTAH. Work focused on completing tasks related to the elections of 2010-2011, including the destruction of sensitive material, and preparations for the partial legislative, municipal and local elections. Originally planned for November 2011, elections are now expected in 2012. The work of MINUSTAH in anticipation of these elections, which will renew a third of the Senate and elect municipal officials (mayors, town delegates, communal section councils and assemblies), has so far focused on boundary delimitation and potential amendments to the Electoral Law. Owing to delays in the nomination and establishment of a new electoral council and the announcement of the electoral calendar, it will not be possible to hold elections by 8 May 2012, when a third of the existing Senators reach the end of their term in office. The resulting institutional vacuum could further heighten tensions between the Government and the opposition. According to preliminary assessments, it may take up to five months to organize the first round of the elections from the time the elections are called for by Presidential decree.

Military

20. The military component of MINUSTAH continued to fulfil its functions with respect to the maintenance of a secure and stable environment, as well as border management, delivery of humanitarian assistance, disaster preparedness and support to recovery and reconstruction efforts. Planning has begun for security and logistical support for the forthcoming elections. The Mission's military component took part in various anti-crime operations, including Operation Hope, which was carried out jointly with the Haitian National Police and the Mission's police component in October 2011. Operation Hope was conducted in neighbourhoods of Port-au-Prince deemed high-risk and resulted in the arrest of several gang members and in the reduction of gang activity in the targeted areas. Several joint security operations carried out by the Haitian National Police and the Mission's police and military components demonstrated an improved level of integration compared to the previous reporting period. In this regard, the Mission's police and military components have established standard operating procedures ensuring that the Haitian National Police is always in the lead in such joint operations.

21. During the reporting period, the mandated drawdown of the military component's post-earthquake surge capacities resulted in the withdrawal of two military companies from Grande Anse and Nippes Departments. A battalion is scheduled to be withdrawn from South Department by the end of March 2012. The

withdrawal of a platoon from North-West Department is pending the arrival of a replacement formed police unit. In parallel to the implementation of the drawdown, MINUSTAH military staff has reconfigured the force to maximize mission effectiveness. The security gap resulting from the withdrawal of military units in these departments has been filled by the Mission's formed police units.

22. The military engineering capacity of MINUSTAH continued to support a wide range of Government recovery priorities linked to disaster risk mitigation and the establishment of conditions for longer-term reconstruction. During the reporting period, engineering companies provided by Brazil, Chile, Ecuador, Indonesia, Japan, Paraguay and the Republic of Korea conducted a total of 53 reconstruction engineering tasks out of a total of 168 tasks completed in 2011. These projects involved the removal of earthquake-damaged Government buildings, hospitals, orphanages and schools; the preparation of land for the construction of new buildings including cholera treatment centres; road repair; well-drilling; river and canal drainage in preparation for the rainy season (including in camps for internally displaced persons); and various irrigation improvements.

Police

23. The reform and strengthening of the Haitian National Police remained a priority for MINUSTAH during the reporting period. A new five-year Haitian National Police Development Plan 2012-2016 was drafted jointly by the Haitian National Police and the Mission's police component in consultation with all stakeholders. It is now awaiting final endorsement by the Haitian Government. The current strength of the Haitian National Police stands at 10,106 police officers, including 760 women.

24. The twenty-third promotion of approximately 550 cadets is scheduled to begin training in April 2012. Commencement of training was delayed, owing to funding and administrative issues. Further causes of the delay included the divergent views of the Haitian National Police, MINUSTAH and other stakeholders over the timing and duration of the course and class size. Recruitment for the twenty-fourth promotion is ongoing, with the goal of a 30 per cent female quota. The process of vetting all police officers resumed in September 2011, conducted by an integrated Haitian National Police and MINUSTAH committee. During the reporting period, the joint committee reached a final decision to have 138 "non-recommended" police officers dismissed from the force out of a total of 3,583 Haitian National Police officers who have been vetted since December 2006. In addition, the MINUSTAH police component and its human rights adviser have focused on building the Haitian National Police's oversight and reporting capacity concerning human rights abuses committed by Haitian National Police officers.

25. A number of challenges have impeded the pace of recruitment, vetting and training. These challenges include the need to restructure the recruitment system, to accelerate renovation or construction of facilities in order to expand training courses targeting middle-level and senior law enforcement officials, to increase budgetary resources to fund larger class sizes and more frequent training sessions, and to ensure that newly trained cadets receive their monthly salaries. MINUSTAH and other stakeholders are developing options to address these challenges.

26. MINUSTAH continues to provide technical guidance to several donor-funded projects for the rehabilitation and construction of police facilities. The construction

of a new police academy to train middle-level and senior police officials should be completed by 2013. Planning is under way to construct additional facilities for the Haitian National Police specialized units, including coastguard and public order units. The reduction in the authorized police strength of MINUSTAH to 3,241 officers will begin in March and should be completed by June 2012.

Protection of vulnerable groups

27. During the reporting period, MINUSTAH continued its community policing efforts in camps for the internally displaced in close coordination with camp committees. The Mission's police component mentored the Haitian National Police officers and assisted in establishing a secondary police station in camp Jean Marie Vincent, the largest and most insecure camp in Port-au-Prince. Moreover, MINUSTAH police, in co-location with the Haitian National Police, maintained a 24-hour security presence and robust patrols in seven high-risk camps for internally displaced persons and conducted daily rotational patrols in approximately 150 "non-permanent" camps. In response to the forced evictions of displaced persons, particularly in Léogâne, the epicentre of the 2010 earthquake, the protection cluster engaged with the Haitian authorities to advocate for the adoption of a comprehensive camp closure plan. The proposed plan would link camp closure dates to the provision of alternative housing and the identification of sites for long-term settlement. In Port-au-Prince, the Government made visible progress in implementing its "16/6" resettlement programme, providing rental or home repair subsidies to residents of six camps in prominent neighbourhoods of the city. This initiative was coupled with the rehabilitation of the 16 neighbourhoods from which most of those persons were displaced. This programme is receiving support from a number of United Nations country team members.

28. Sexual and gender-based violence remained a concern, particularly in impoverished districts of Port-au-Prince, camps for the internally displaced and remote areas of the country. In October 2011, MINUSTAH in collaboration with the Haitian National Police and the Ministry of Women's Affairs and Women's Rights established special reception areas for victims of sexual and gender-based violence in three of the most at-risk camps in Port-au-Prince. Preparations are ongoing for similar reception facilities in seven police stations in the metropolitan area. During the reporting period, MINUSTAH also established a coordination and response office on sexual and gender-based violence within the Haitian National Police. MINUSTAH and UNDP conducted related training for Haitian National Police trainers from the 10 departments of Haiti. In turn, these trainers initiated workshops on investigative techniques relating to sexual and gender-based violence for Haitian National Police officers.

29. Meanwhile, MINUSTAH monitored the investigative follow-up of 62 rape cases registered in four Haitian National Police stations in Port-au-Prince. It found that none of the cases went to trial, owing to inadequate investigative capacity, out-of-court settlements or victims declining to appear before the investigating magistrate, raising significant concerns over the adequacy of the police and judicial response.

Community violence reduction

30. Reduction of community violence remains a vital stabilization measure to address the ongoing political volatility, the weakness of security institutions and persistent socio-economic challenges. Given that the expected delays in organizing legislative, municipal and local elections may lead to heightened tensions, community violence reduction projects may help to mitigate these tensions in fragile urban communities which are the focus of the programme.

31. In line with the emphasis placed by the Government of Haiti on job creation, MINUSTAH continued to work with national and international implementing partners on large-scale labour-intensive projects, skills training, job placement and legal aid, as well as social and protection initiatives in Port-au-Prince, Gonaïves, Cap-Haïtien and Jacmel. Since my last report, the Mission has completed 32 of 63 community violence reduction projects amounting to $9 million; 26 of those projects focused on environmental conservation and provided 20,000 at-risk youth with short-term employment. MINUSTAH also supported vocational training and continues to provide job placement support to 1,110 at-risk youth in partnership with the Haitian private sector and State institutions. MINUSTAH is providing educational, health and psychosocial support to 2,000 women, including female juvenile inmates and victims of sexual and gender-based violence.

Support to State institutions

32. In the context of its ongoing support to the decentralization efforts of the Ministry of the Interior and National Defence, MINUSTAH provided technical advice to 140 municipalities in the finalization of their budgets. The Mission has embedded four National Professional Officers in the offices of the 10 new departmental delegates appointed in September 2011 by President Martelly to provide technical advice. MINUSTAH also assisted in identifying key legislative priorities for the Haitian Parliament to be included in the 2012 legislative agenda.

33. Infrastructure and equipment projects in support of the Haitian authorities continued during the reporting period. Since July 2011, MINUSTAH and the Haitian authorities have identified 121 new Government building projects and MINUSTAH has built and equipped 35 prefabricated offices housing 21 public administrations. The latter include facilities for the Ministry of Justice and Public Security, the Ministry of Planning and External Cooperation, the Ministry of the Interior and National Defence, the Office of Civil Registry, six Peace Tribunals, the National Penitentiary Administration and the Coast Guard office.

Quick-impact projects

34. During the reporting period, MINUSTAH continued to focus on developing quick-impact projects for earthquake-affected communities, while concurrently identifying projects in the four priority areas defined by the Mission's leadership in September 2011, namely, cholera mitigation; security lighting; road and infrastructure rehabilitation; and rule of law infrastructure. With a $7.5 million budget for quick-impact projects for the 2011-2012 period, MINUSTAH continues to focus its efforts on supporting communities most in need and in areas lacking adequate Government and donor assistance. As at 30 January 2012, 51 projects were being implemented and another 78 were about to be launched, for a total of 129 projects worth $5.57 million.

Rule of law capacity-building

35. MINUSTAH support to the Ministry of Justice and Public Security was hampered by the political tumult surrounding the resignation of the Minister of Justice, Josué Pierre-Louis, in November 2011. His successor, Michel Pierre Brunache, who was appointed in December, has made public statements committing the Government to rule of law reform. However, while there is broad agreement in Government circles that the rule of law is a top priority, the Mission's work in support of the rule of law has been stymied by a persistent lack of will to effect real change and an ongoing culture of impunity, particularly within the Haitian political class and among the elite. There are deep-rooted parallel structures within Haitian society, which allow groups within Haitian society to employ corrupt practices to circumvent the legal system. Progress in strengthening the rule of law has also been hindered by the fact that there has been a succession of five prosecutors in Port-au-Prince in just 12 months.

36. During the reporting period, President Martelly appointed the President and Vice-President of the Supreme Court from a list of candidates submitted by the Senate. The post of President of the Supreme Court had remained vacant since 2004. On 14 February, the Minister of Justice announced that President Martelly would shortly issue a decree filling the remaining five judicial vacancies, enabling the Supreme Court to become operational. In January 2012, President Martelly established a Working Group on Justice Reform with a mandate to propose appropriate measures for the implementation of justice reform. The Working Group has been given 24 months to carry out its mandate. During the reporting period, MINUSTAH and UNDP conducted rule of law meetings across the country's 10 departments, bringing together community leaders, municipal authorities and representatives of the judiciary and national police to define local solutions to insecurity and political conflicts.

Justice

37. MINUSTAH continued to provide technical and logistical support to the 18 legal aid offices established throughout the country. Recently, the legal aid funding partner, the Union of South American Nations (UNASUR), informed stakeholders, including MINUSTAH, of its decision to end the financing of Haiti's legal aid programme. The Government of Haiti has indicated to MINUSTAH that it intends to take over the management of the legal aid programme. In January 2012, the Ministry of Justice and Public Security established a transitional working group, with the participation of MINUSTAH and other stakeholders, to prepare a development plan for a sustainable legal aid system and review the draft law establishing the Système national d'assistance légale. In conjunction with UNDP, MINUSTAH conducted 2 two-day workshops in Croix des Bouquets and Jérémie to train a group of 30 police officers, judges and prosecutors, including four women, on investigative techniques in sexual assault cases. MINUSTAH together with UNDP has continued its technical and logistical support for the establishment of the Superior Council of the Judiciary by assisting two working groups on the drafting of the rules and regulations and on the transfer of competencies from the Ministry of Justice and Public Security to the Council.

Corrections

38. MINUSTAH assistance in corrections took the form of capacity-building in security, staffing and training needs, policy development and infrastructure improvements. The daily presence of MINUSTAH officers in all 16 of the country's prisons has allowed for improvements across these priority areas, in particular at the local level. However, Haiti's prisons continued to suffer from overcrowding, deficient management, excessive pretrial detention and food and water shortages. Improvements were noted with respect to the separation of minors in all but three prisons and in overall sanitary conditions. One of the Mission's top priorities has been to support the office of the Director of the Prison Administration in developing standardized procedures and practices for the operation of the new prison in Croix des Bouquets. To date, 9 of the 12 proposed standard procedures have been officially signed by the Director of the Prison Administration. The remaining three directives will be presented to the Minister of Justice and the leadership of the Haitian National Police for final validation. During the reporting period, particular focus was directed towards the release of inmates in pretrial detention or those who had exceeded their sentences. As a result of MINUSTAH efforts, 269 detainees were liberated between September 2011 and January 2012. In addition, two MINUSTAH quick-impact projects were completed and contributed to better working and living conditions in two prisons in Les Cayes and Grande Rivière du Nord. Moreover, MINUSTAH provided field officer training to 42 national correctional officers on assessing the performance of new recruits in prisons. A further 14 correctional officers were trained by MINUSTAH in interviewing, search and handcuffing techniques.

Human rights

39. The Mission maintained its focus on the investigation and reporting of human rights violations. Through the Office of the United Nations High Commissioner for Human Rights, in December 2011, MINUSTAH published two reports on alleged illegal killings by Haitian National Police officers and regretted that, despite some efforts by the police and judiciary to investigate the killings, there was a significant lack of capacity of the State to effectively prosecute and punish perpetrators. The Mission also closely monitored the trial of police and prison officers who were accused of illegal killings during the prison riot at Les Cayes on 19 January 2010. The trial resulted in the conviction of eight defendants and the acquittal of six others. On 30 January, the Haitian magistrate leading the investigation of former President Jean-Claude Duvalier stated that the statute of limitations blocked prosecution of the well-documented human rights crimes under the Duvalier regime and that Mr. Duvalier should face trial only on corruption charges. MINUSTAH publicly expressed regret over the decision. The Mission continued to advocate for and support State action to ensure accountability for human rights violations committed during the Duvalier regime. MINUSTAH also conducted a range of training programmes for local authorities and community leaders to build rule-of-law capacity, specifically on human rights, and provided support to the Office de la protection du citoyen.

Gender

40. In November 2011, MINUSTAH, in collaboration with the Ministry of Women's Affairs and Women's Rights and two women's organizations, launched a

project funded by Luxembourg to promote women's participation in leadership positions at national and local levels. MINUSTAH also helped the women's parliamentary caucus to develop a quick-impact project for the promotion of women's participation in decision-making at all levels and for the identification of strategies to ensure at least 30 per cent representation of women in public office.

Child protection

41. During the reporting period, MINUSTAH received reports of 110 cases of rape and other sexual violence against minors, 15 cases of the recruitment and use of children by armed gangs, 12 cases of kidnapping and 7 cases involving the killing of minors, some of which occurred during shoot-outs. MINUSTAH is working with the International Organization for Migration and UNICEF to contribute to amendments to the draft law on human trafficking to align it with the Palermo Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, which Haiti ratified in 2009. In the area of juvenile justice, MINUSTAH continued to advocate in favour of accelerated case management and improved conditions of detention for minors. In addition, MINUSTAH provided three training and sensitization sessions in West Department aimed at reinforcing the capacity of 42 community-based organizations on child protection issues including sexual violence, juvenile justice and child trafficking.

HIV/AIDS

42. MINUSTAH and the United Nations country team strengthened coordination mechanisms and reinforced national structures for combating AIDS in Haiti. Awareness-raising activities, including training and radio broadcasts, continued throughout Haiti for HIV prevention in post-emergency programmes. The Global Fund Country Coordinating Mechanism of Haiti was reformed to allow for continued funding. MINUSTAH also assisted the Government in updating the national multisectoral AIDS plan. In addition, a newly revised law on HIV prevention was presented to Parliament.

Conduct and discipline

43. The work of the Mission's Conduct and Discipline Unit focused on strengthening prevention measures, accelerating disciplinary case management, and taking remedial action, in line with the United Nations zero tolerance policy regarding misconduct by its personnel. During the reporting period, MINUSTAH responded to several cases of serious allegations of misconduct by Mission personnel. These cases include the alleged rape of a Haitian man in Port-Salut, the alleged rape of a minor in Gonaïves, and alleged sexual relations between Mission personnel and three minors in Port-au-Prince. As a result of these allegations, the Mission was confronted with protests in the Haitian public and among the political class against the alleged misconduct of Mission personnel. On 8 February, the Senate unanimously adopted a resolution requesting the Secretary-General to lift the protection of immunity of two MINUSTAH staff members allegedly involved in the case in Gonaïves. In all these cases, the Mission proactively responded by initiating internal investigations and taking swift disciplinary measures. In addition, the Mission conducted 51 training sessions on misconduct and the prevention of sexual exploitation and abuse for a total of 1,265 MINUSTAH personnel in Port-au-Prince and several regions. In collaboration with the Communications and Public

Information Section, the Conduct and Discipline Unit completed the production of a training video on the prevention of misconduct. The team also supported the efforts of the United Nations country team and the Haitian Ombudsman's Office to develop a comprehensive victim assistance strategy.

Public information and outreach

44. During the reporting period, MINUSTAH continued to use public information and outreach as a strategic tool to support the implementation of its mandate and ensure understanding and visibility of its efforts. Efforts were undertaken to reaffirm the Mission's steadfast implementation of the United Nations zero tolerance policy regarding misconduct by its personnel. Outreach tools included regular press conferences; timely issuance and dissemination of press releases and messages from my Special Representative; field project visits with the media; and the use of the Mission's website and social media tools. The Mission also carried out civic education campaigns and produced television programmes which were broadcast on national and diaspora television stations. Radio MINUSTAH FM conducted 24-hour broadcasts, which included priority information and sensitization campaigns covering, among other issues, cholera prevention efforts, disaster and hurricane preparedness, the promotion of a national dialogue and respect for the rule of law.

V. Humanitarian, recovery and development activities

Coordination between the Mission and the United Nations country team

45. MINUSTAH and the United Nations country team continued their efforts to develop and implement joint programmes. As of January 2012, 10 joint programmes were being implemented, for a total of $250 million, including 5 programmes funded through the Haiti Reconstruction Fund. These programmes addressed a wide range of recovery priorities, including debris removal, housing, health, return of the displaced to their neighbourhoods of origin or to safer housing, school meals, and environmental sustainability. United Nations country team members have three shared priorities: support to government institution-building, decentralization and gender equity. In pursuit of the first two priorities, in 2011, United Nations agencies deployed 419 national and 106 international personnel to national and local government entities to strengthen their capacity and provide technical assistance. Under MINUSTAH leadership, the Group of Twelve — the group of main donors in Haiti — has regularly met to accelerate progress and improve coordination in the recovery process, while also supporting the reactivation of key sector coordination groups (*tables sectorielles*) under the leadership of national ministries. Concurrently, the Group of Twelve is working with the Ministry of Planning and External Cooperation to reinforce the national aid coordination architecture and to develop an agreement outlining mutual responsibilities for strengthening public administration and national institutions. As of December 2011, the majority of humanitarian clusters were chaired or co-managed by Government entities. A key priority for the humanitarian country team in 2012 is the streamlining of humanitarian coordination structures to enhance the Government's leadership role. Humanitarian actors are also developing the Government's disaster preparedness and response capacity by supporting the National System of Disaster Risk Reduction in order to develop a multi-risk contingency plan in case of earthquake, flooding, hurricane or tsunami.

46. Initially developed for an 18-month period from June 2010 until December 2011, the Integrated Strategic Framework for Haiti, which constitutes the main programming reference for MINUSTAH and United Nations agencies, has been extended until December 2012. The Integrated Strategic Framework is organized around five pillars, including institutional, territorial, economic and social rebuilding as well as an "enabling environment" pillar. Early in 2012, the United Nations system in Haiti began work on the development of a new Integrated Strategic Framework for the period 2013-2016, which will integrate humanitarian, development and stabilization priorities in alignment with the Government's new plan, which derives directly from its Action Plan for National Recovery and Development of March 2010.

Response to the cholera epidemic

47. The humanitarian community continues to support the national response to the cholera outbreak. As at 20 January 2012, the number of cumulative cases of infected persons stood at 526,524 while the epidemic had killed 7,025 people since the beginning of the outbreak in October 2010. Under the leadership of the Ministry of Public Health and Population, a national cholera alert system has been established. Large-scale awareness campaigns and a nationwide network of treatment centres have led to an overall decrease in both infection and case fatality rates. In 2011, more than 3 million people received water supplies, water treatment products, water filtering systems and sanitation materials from MINUSTAH, United Nations agencies and humanitarian partners.

48. Following the publication in May 2011 of the report of the independent panel of experts on the origins of the cholera outbreak, the Mission's focus remained on supporting prevention. After the emergency response, MINUSTAH, United Nations agencies, humanitarian organizations and the Red Cross movement turned towards building national capacity for prevention and response to cholera in the Centre, Artibonite, West, North, North-East and North-West Departments. With UNICEF support, more than 1,400 trainers and 5,200 community workers were trained on hygiene promotion, with particular regard to cholera prevention. UNICEF continues to support, in partnership with the Ministry of Public Health and Population and the Inter-American Development Bank, 16 cholera treatment centres, 120 cholera treatment units and 1,172 oral rehydration community points. Supported by the United Nations Office for Project Services, door-to-door campaigns, social diagnostic surveys and theatrical performances also helped to sensitize more than 300,000 residents in 140 camps and neighbourhoods on cholera and on the importance of cleaning latrines. Finally, United Nations agencies and other donors, in close collaboration with the Government, supported the construction and operation of a modern human waste treatment centre near Port-au-Prince (Morne-à-Cabri), ensuring a greater level of environmental safety for the metropolitan area.

49. The cholera epidemic will continue throughout 2012 and the risk of new outbreaks remains. Progress in cholera prevention is threatened by funding limitations, which have resulted in the closure of sanitation services in a number of camps for earthquake-affected populations, including internally displaced persons. Inadequate sanitation, insufficient sources of clean water, rains and flooding during the rainy season pose serious risks, and may lead to further infections.

Office of the Special Envoy for Haiti

50. The Office of the Special Envoy has continued to accompany the Government of Haiti in its efforts to track donor pledges and exercise a degree of regulation and oversight on non-State providers so that they align their work and funding with the Government's priorities. To this end, the Office of the Special Envoy has worked closely with the Ministry of Planning and External Cooperation on a mapping of registered non-State providers. From September 2011 to February 2012, the donor disbursement rate increased from 43 per cent to 52.9 per cent. Of the total $5.33 billion disbursed by bilateral and multilateral donors for humanitarian and recovery efforts in Haiti in 2010 and 2011, an estimated 10 per cent has been channelled through government systems. More recovery funding has been channelled through government systems than humanitarian funding, but bilateral donors have channelled less than multilateral donors through government systems. Of the funding disbursed by bilateral donors from their recovery pledges only 6 per cent has been channelled through Haitian country systems as budget support.

VI. Financial implications

51. By its resolution 65/256 B of 30 June 2011, the General Assembly appropriated the amount of $793,517,100 for the maintenance of MINUSTAH for the period from 1 July 2011 to 30 June 2012.

52. As at 9 February 2012, unpaid assessed contributions to the Special Account for MINUSTAH amounted to $259.2 million. The total outstanding assessed contributions for all peacekeeping operations as at that date amounted to $2,801.2 million.

53. As at 6 February 2012, amounts owed to troop and formed police unit contributors to MINUSTAH totalled $11.9 million. Reimbursement of troop and contingent-owned equipment costs have been made for the periods up to 30 November 2011 and 30 September 2011, respectively, in accordance with the quarterly payment schedule.

VII. Observations

54. The compromise forged between President Martelly and Haiti's legislators, which led to the swearing-in of a new Government in October 2011, provided an opportunity to move beyond the political stalemate that had impeded the country's recovery and its progress towards long-term stability and development. Unfortunately, this opportunity was not seized. The continuing stand-off between the executive and legislative branches of Government and tensions within the executive have led to the resignation of the Prime Minister, Garry Conille, after only four months in power. This amounts to a serious failure on the part of Haiti's political leaders to live up to the rightful expectations of those who elected them and to deliver effective government at a time of unprecedented need in Haiti.

55. It is now incumbent upon Haiti's executive and legislative branches to act in the broader interests of the Haitian people and proceed expeditiously with the appointment of a new Prime Minister. I encourage both branches to work together and to avoid, by all possible means, the recent disputes that have impeded progress on strengthening and reforming Haiti's governance institutions. In this regard, I

fully support the call made by the members of the Security Council during their recent visit to Haiti for political leaders to work together in a spirit of compromise. I encourage all actors to engage in constructive political dialogue in order to achieve political agreement and reconciliation based on mutual tolerance. Such genuine and inclusive dialogue is a precondition for demonstrable progress in recovery and development; elections; constitutional reform; the rule of law; protection of human rights; and the creation of a culture where impunity is not tolerated. During the last election, the people of Haiti made a strong call for change and they deserve to have their elected leaders deliver on their campaign promises.

56. I have noted the continuing and increasing reports of the mobilization of several hundred armed former members of the Haitian armed forces and new recruits who have occupied a number of former training camps in several departments. I call upon the Government to take firm measures to stem this process of mobilization, which poses a threat to the country's stability, and transparently investigate its sources of funding and support.

57. It is my hope that the Haitian authorities will soon relaunch the electoral process for the upcoming partial legislative, municipal and local elections and put in place a credible electoral council. This will contribute to revitalizing Haiti's institutions and minimize the institutional vacuum following the end of the terms of 10 senators on 8 May 2012. It is particularly important that the Government mobilize the resources required to build the electoral council's electoral management and administrative capabilities. MINUSTAH stands ready to support the electoral process, as it has done in the past, and to coordinate international electoral assistance to Haiti in cooperation with other international stakeholders.

58. The verdict in the case of the killings during the prison riot at Les Cayes on 19 January 2010 has sent a positive signal about the Haitian authorities' commitment to strengthening the rule of law and protecting human rights. However, I am concerned about the recent decision in the case concerning Jean-Claude Duvalier that a statute of limitations applies to the well-documented human rights abuses under the latter's regime. I encourage Haiti's authorities to spare no effort in the fight against impunity.

59. As the surge capacities of MINUSTAH authorized after the earthquake are drawn down, and in anticipation of the further progressive and orderly consolidation of the Mission's personnel and activities over the coming years, the Mission is refocusing its efforts on key mandated tasks where it can effect change, namely support for the political process and the consolidation of State authority, as well as assistance in strengthening State institutions. Haiti will require the continuing support of the Mission and international donors to bolster the capacity of its rule of law and security institutions. However, the Haitian authorities must also increasingly take responsibility for the country's stability. This means a greater country-wide presence of the State as embodied by the Haitian National Police, a functioning judiciary, and a responsive public administration. It also entails advancing education and providing basic services, housing and protection to those still displaced by the earthquake.

60. Considerable international assistance has been offered to Haiti during the past decade, particularly since the January 2010 earthquake. The executive branch and the legislature must seize the opportunity of this heightened attention to strengthen the rule of law and deliver the stronger and more stable institutions, reliable

property rights and legal guarantees, including a land registry and civil registry that foreign investment requires.

61. I encourage the new Government to assume leadership for Haiti's recovery and development process. Ahead lie difficult decisions that must be taken to overcome the lack of political will and deep-rooted resistance to reform in Haiti which, if unaddressed, will continue to be an obstacle to the country's progress. Individuals entrusted with the stewardship of Haiti's governance institutions at all levels of Government need to demonstrate heightened accountability and professionalism and create a political climate characterized by tolerance rather than polarization. Now that a legitimate Haitian Government is in place, Haiti's authorities have an opportunity to make genuine progress in rebuilding the nation, strengthening institutions, attracting investment, promoting sustainable development and entrenching respect for the rule of law and human rights.

62. I would like to conclude by expressing my sincere gratitude to my Special Representative, Mariano Fernández, to my Special Envoy, former United States President William J. Clinton, and to the men and women of MINUSTAH and the United Nations country team and their partners for their continued dedication and commitment in support of the recovery and stability of Haiti.

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Corrigendum

1. Paragraph 24, sixth sentence

The sentence *should read*

During the reporting period, the integrated committee commenced the final review of 138 "non-certified" police officers recommended for dismissal from the force, out of a total of 3,583 Haitian National Police officers who have been vetted since December 2006.

2. Paragraph 37, second sentence

The sentence *should read*

Recently, the Union of South American Nations (UNASUR) ended financing for this programme amid questions regarding the management of the offices.

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Report of the Secretary-General on the United Nations Support Mission in Libya

I. Introduction

1. The present report is submitted pursuant to Security Council resolution 2022 (2011), by which the Council extended the mandate of the United Nations Support Mission in Libya (UNSMIL) for a three-month period until 16 March 2012. The report covers major developments since my report of 22 November 2011 (S/2011/727) and describes the activities undertaken by UNSMIL in line with its mandate under Security Council resolutions 2009 (2011), 2017 (2011) and 2022 (2011). It also assesses the challenges facing Libya as it continues its historic transition, and provides recommendations on the future role of the Mission in Libya.

II. Political and security developments

2. On 17 February 2012, the people of Libya marked the first anniversary of the beginning of the Libyan revolution and their struggle for freedom after almost 42 years of authoritarian rule. Despite concerns that there might be attempted attacks or disruptions by pro-Qadhafi elements, the anniversary passed peacefully as public celebrations took place in cities and towns nationwide, with effective security operations coordinated among State security forces and key "brigades". While celebrations were intended to commemorate those who died in the struggle for freedom, they also signalled hope for the future.

3. In speeches to the nation, Mustafa Abdul Jalil, Chair of the National Transitional Council, and Abdurrahim el-Keib, the Prime Minister acknowledged the sacrifices of the Libyan people, noted the challenges ahead and emphasized the importance of institution-building, particularly the need for revolutionaries to support national security institutions. This priority has been reflected in the plans of the Ministries of the Interior, Defence and Labour for integration and reintegration, including the recruitment of 10,000 former fighters onto the payroll of the Ministry of the Interior, which has developed a strategic plan for their integration.

4. Meanwhile, the liquidity situation has eased significantly since the lifting of sanctions on the Central Bank of Libya and the Libyan Arab Foreign Bank, and the oil sector has continued to recover well. Following the reopening of schools, most educational institutions are now functioning.

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5. The National Transitional Council announced the formation of the new interim Government headed by Prime Minister El-Keib on 22 November 2011, following broad-based consultations across the political spectrum. In one of its first actions, the Government announced its priorities, including security and integration of the revolutionary fighters; attending to the needs of the war wounded; enhancing transparency, the rule of law and respect for human rights; the holding of elections; reviving the economy; and resolving liquidity issues linked to Libya's frozen assets.

6. The Government faced an early test following a series of security incidents in early December involving revolutionary "brigades" in Tripoli, which prompted strong public calls for those brigades hailing from outside Tripoli to withdraw from the capital. However, the Government advocated an incremental approach for their withdrawal, on the basis of a comprehensive security plan that would enjoy the buy-in of all major stakeholders. On 25 December, the Government announced its intention to integrate or reintegrate some 75,000 revolutionary fighters, divided equally among the defence, police and civilian sectors. On 2 January, the National Transitional Council appointed Major-General Yusuf Mangoush as Chief of Staff of the Army, a step that reflected the authorities' commitment to establishing unified national armed forces.

7. In the meantime, demonstrators in Benghazi and Derna took to the streets on 12 December, protesting National Transitional Council comments about a possible amnesty for some former Qadhafi fighters and regime officials. The protests acquired momentum as they evolved into a platform broadly critical of the Council's performance, with demonstrators in a number of cities demanding greater transparency and accountability. There were calls also for former regime supporters to be barred from the political process and purged from State institutions.

8. On 22 January 2012, demonstrators stormed the Council's headquarters in Benghazi. Abdul Hafiz Ghoga, Vice-Chair of the Council, who had been jostled two days earlier by angry students at Benghazi University, resigned. At no point during the demonstrations did the authorities resort to the use of force.

9. Intermittent clashes between the brigades and other incidents continued to pose a challenge to the authorities in their efforts to contain the overall security situation and to manage the risks associated with the continued proliferation of weapons on the streets and the large number of armed brigades whose lines of command and control remained unclear. In Tripoli, the most serious of these took place on 3 January 2012 when fighting broke out between rival brigades from Misrata and the capital's Sidi Khalifa neighbourhood, resulting in several deaths. An attempt to detain alleged supporters of the Qadhafi regime in Sabhā, located south of Tripoli, led to heavy fighting between brigades from Gheryan and Al-Asab'a, in which at least six were killed and several wounded.

10. In Bani Walid, tensions between part of the population and the local council erupted into clashes in late November after the city's military council requested brigades from Tripoli to assist in a security sweep following alleged provocations by pro-Qadhafi elements. Thirteen fighters were reportedly killed in an ambush as they attempted to enter the city. In response to the standoff in the city, particularly with regard to the local council, the National Transitional Council formed a committee to lead consultations and make recommendations. On 23 January, escalating tensions in Bani Walid erupted into armed confrontations, in which several of those involved were killed. The Government responded by deploying units from the national army

to the outskirts of the city and dispatching a high-level delegation to engage with stakeholders to contain the situation and address the underlying security and political challenges.

11. On 6 February, two attacks against members of the Tawergha internally displaced persons' community in Tripoli took place, resulting in the deaths of seven Tawergha, including three children and two women. These incidents follow a pattern of general harassment and intimidation of Tawergha community members reported elsewhere in the country, including in Benghazi, and are the most serious to have occurred in the capital. UNSMIL called upon the Government to conduct an investigation into the incident, bring to justice those responsible, improve security at the displaced persons' camp and ensure the protection of Tawergha displaced people elsewhere in the country.

12. In the Kufra region, tensions between the Tabu and Zwaya "tribal brigades" erupted into a series of clashes in early February, reportedly triggered by the initial killing of a Zwaya man and the subsequent death of a Tabu youth. In efforts to restore calm, the Government dispatched units from the national army to the area while religious leaders and tribal chiefs attempted to secure a sustainable ceasefire. This is the third incident in the last six months between these "tribal brigades", with long-standing tribal tensions allegedly exacerbated by disputes over control of smuggling.

13. Amid mutual concerns regarding the threats emanating from porous borders, the interim Government opened dialogue with its neighbours, with the Minister for Foreign Affairs of Libya, Ashour Bin Khayal, visiting Niger, Mali and Chad. The Chair of the African Union Commission, Jean Ping, visited Tripoli in mid-January for talks with Libyan officials. Prime Minister El-Keib participated in the eighteenth African Union Summit, held in Addis Ababa from 29 to 31 January, during which he called for a regional security conference. On 1 February, the African Union appointed Mondher Rezgui of Tunisia as Special Representative and Head of the African Union Liaison Office in Tripoli. The Secretary-General of the League of Arab States appointed Sheik El Avia ould Mohamed Khouna of Mauritania as Head of Mission in Libya on 20 December 2011. High-level visits have also taken place between Libya and three of its neighbours, Egypt, the Sudan and Tunisia.

14. Indicative of the increasingly active political landscape has been the spontaneous emergence of several political trends and pressure groups, many of which are organizing for the upcoming elections to secure a free Libya and their interests beyond the elections. Youth represent one such group as they seek to transform their role from freedom fighters to nation-builders through engagement in making decisions on Libya's political, economic and social future. Likewise, women across Libya who were involved in the revolution expect to apply their commitment to the democratic and development processes.

III. Activities of the United Nations Support Mission in Libya

15. The difficulties facing Libya's interim authorities require determined political management by its leaders, who must be given the space to address their internal priorities. UNSMIL, in partnership with the United Nations country team, remains focused on supporting them in meeting these key challenges.

A. Electoral support

16. Electoral activities focused on the establishment of the legal and institutional framework that will serve as the basis for the election of the National Congress in accordance with the Constitutional Declaration of the National Transitional Council, including the electoral legislation and the appointment of the Higher National Electoral Commission.

17. The National Transitional Council's electoral committee launched a public consultation process on 1 January by posting the draft election law on the Internet and hosting public consultations in Tripoli, Benghazi, Sabhā and other cities. Civil society groups organized their own meetings and presented comments to the Council. The committee received approximately 14,000 comments on various aspects of the draft text. Although the committee's decision to publish the draft electoral law was welcomed by the public, there was criticism of the limited time for consultations and the lack of inclusiveness of the process. Women's groups demonstrated and submitted petitions to the Council and the Government for the inclusion of temporary special measures for women in the election law.

18. An amended text was approved by the National Transitional Council on 18 January and was to be made public on 22 January. Following the protests in Benghazi that day, however, the Council decided to extend consultations for an additional period. The Council did proceed, however, with the adoption of the electoral management body law, which defines the nature and scope of functions of the Higher National Electoral Commission, and with the appointment of the 17 Commission members.

19. Subsequently, a new draft of the electoral law was presented to the National Transitional Council, which was adopted on 28 January and substantially amended on 7 February. The adopted law made extensive changes to the initial text, in particular by changing the proposed electoral system. The new law introduced a mixed system whereby 120 seats are to be elected under a majoritarian system and 80 through proportional representation. The law also defined the role of "political entities" and required that proportional representation lists alternate candidates by gender as a special measure to guarantee women's representation in the National Congress.

20. With the adoption of both laws the legal framework for elections is almost complete; it only remains for the National Transitional Council to define the electoral constituencies in accordance with the provisions of the electoral law.

21. Throughout this process, the UNSMIL electoral team engaged closely with the electoral committee and other members of the National Transitional Council to communicate recommendations on the draft texts, emphasizing the importance of an inclusive, transparent process and the need for a legal framework broadly acceptable to the Libyan people. At all stages, UNSMIL provided comments on the draft law from the perspectives of human rights, transitional justice and women's empowerment, in addition to conveying technical electoral concerns from experiences elsewhere. The Mission's advice has been directed towards ensuring improvements in the legislation that will satisfy the concerns raised in public consultations and meet the need for operational clarity. UNSMIL is working with UNDP to develop a comprehensive programme of electoral support should the newly formed Electoral Commission request it.

22. As one initial step in efforts to engage civil society and promote civic education in preparation for the elections, on 28 January, UNDP launched a three-month training of trainers programme for 30 civic education instructors on the basics of elections, democracy and good governance. The trainees, half of them women, represent universities and civil society organizations and are being coached by expert trainers.

B. Human rights, transitional justice and rule of law

23. The transfer of conflict-related detainees to the custody of the Ministry of Justice continues to be a major challenge. The majority of their files remain unprocessed; only a few of these detainees have been released. While the Government has stated its intention to bring prisons and other detention centres under the control of the judicial police, progress has been slow, partly owing to an insufficient number of judicial police. The latest figures provided by the Ministry of Justice indicate that 23 detention centres are currently under Government control, holding a total of 2,382 detainees. The Ministry of Justice has not been able to confirm the number of detainees held by the "brigades" but UNSMIL estimates place the number between 5,000 and 6,000. The judicial process itself continues to be hindered by the prevailing security situation, the reluctance of prosecutors and judges to return to work and slow progress in reforming and activating the judiciary, among other factors.

24. Revolutionary "brigades" continue to carry out arrests of alleged former regime supporters and interrogation, including at undisclosed locations, as well as to control known detention centres where conditions remain mostly poor. UNSMIL visits to several places of detention and interviews with a number of detainees, alongside findings of international non-governmental organizations, have raised concerns about alleged acts of severe torture and ill-treatment perpetrated by the brigades, including deaths in custody, particularly in Tripoli, Misrata, Zintan and Gheryan. Victims include members of the Tawergha community, who have been targeted because of their alleged responsibility for serious human rights violations in Misrata during the conflict.

25. Following publicity given to the briefing of the Security Council by the High Commissioner for Human Rights on 25 January, and reports by international non-governmental organizations expressing strong concern about the practice of torture and ill-treatment of detainees, the Government publicly condemned the violations and pledged to investigate and put in place corrective measures. UNSMIL again urged the Ministry of Justice to quickly assert its control over detention facilities and hasten the processing of detainees, offering assistance in the training of relevant personnel.

26. UNSMIL provided comments to the Ministry of Justice on the draft law on transitional justice. On 10 December, the National Transitional Council convened a national conference to discuss issues related to justice and reconciliation, at which the Chair indicated that the Council was considering a draft law on amnesty for non-serious crimes, and another on special procedures relating to detentions. The laws have met with protest from some groups and have yet to benefit from a process of consultation with civil society actors or the broader public. The transitional justice law was made public on 14 February. It provides for the establishment of a

fact-finding and reconciliation commission to investigate human rights violations since 1969 and provide compensation to victims.

27. In partnership with the High Judicial Institute, the United Nations organized a conference from 23 to 25 January to advance the transitional justice agenda. The conference provided an opportunity for governmental actors, international experts and civil society representatives to discuss strategies for implementing transitional justice. It closed with a series of recommendations, including requests for further United Nations support in the areas of truth-seeking and training for the justice sector.

28. On 17 January, the Government dissolved the National Commission for the Search for and Identification of Missing Persons, allocating the responsibility for missing persons exclusively to the Ministry for Assistance to the Families of Martyrs and Missing Persons. Government officials have assured UNSMIL that the Ministry will carry out its responsibilities impartially and in accordance with international standards.

29. On 28 November, the National Transitional Council established the National Council for Public Liberties and Human Rights, mandated to promote human rights, monitor the activities of government authorities, initiate investigation into individual cases and forge cooperation with civil society. UNSMIL has offered technical support to the Council. In response to the emergence of hundreds of civil society organizations and the critical importance of building a strong and able civil society, UNSMIL has engaged in capacity-building of human rights activists.

C. Public security

1. Police

30. The Ministry of the Interior faces multiple challenges in building national security structures and restoring basic policing capability, including the complex issue of integration of revolutionary fighters; the need for training, basic equipment and functional facilities; and the challenges of border control and illegal migration, particularly in the south.

31. In mid-December, the Ministry adopted a concept for the integration of fighters, including policies for recruitment, status, tasks and training. It launched a registration process in early January for up to 25,000 former fighters who would be provided with a six-month initial contract, with the prospect of permanent employment. In support of this plan, Jordan pledged to train 10,000 former fighters and Turkey offered to train 750 cadets and 500 former fighters. More international support and commitments in the area of security are expected.

32. The international coordination mechanism for police-related assistance, established under the auspices of the Ministry of the Interior and UNSMIL, held three monthly meetings to assist the Ministry in its development of priorities and plans and coordinate the international community's offers of assistance so as to ensure that they best address the Ministry's needs.

33. Following initial UNSMIL training needs assessments in November and December, UNSMIL deployed a police training expert to assist the Ministry in developing its policies and training of trainers courses and in preparing for election

security. Specialized courses are being designed for existing police officers. In response to the Ministry's request, UNSMIL also deployed a police logistics expert in early February to assist the Ministry in establishing policies and guidelines for the acquisition of equipment.

2. Border security

34. Border security and management is a key Government priority. Government representatives have emphasized the importance of strengthening the newly created Agency for Border Security and Strategic Installations Protection within the Ministry of Defence, which currently intends to absorb some 16,000 revolutionary fighters into five brigades to protect Libya's borders. UNSMIL is convening coordination meetings with Government representatives and international partners to articulate and detail Libya's border security needs and facilitate integrated planning, including training, prioritization of requirements and asset procurement. Three coordination meetings were held during the reporting period.

35. In order to support the Government in addressing normative and operational challenges related to illegal migration, the border security and management coordination group established a subgroup, currently chaired by UNSMIL, comprising the Interior and Defence Ministries, the Office of the United Nations High Commissioner for Refugees (UNHCR), the International Organization for Migration (IOM) and the European Union.

3. Arms proliferation

36. Visits to weapons storage sites have been conducted jointly by Libyan officials and international counterparts, including the United Nations Mine Action Service. To date, an estimated 123 weapons holding sites have been visited and approximately 5,000 man-portable air defence systems and components have been accounted for. The full magnitude of the arms problem remains unknown because access to stockpiles controlled by "brigades" remains a challenge; no reliable records exist of pre-conflict weapons stocks; and details of weapons destroyed, transferred or used during the conflict are not available. UNSMIL and the United Nations Mine Action Service are helping the Ministry of Defence and some "brigades" to explore a programme for the registration of weapons — including man-portable air defence systems — and for ammunition storage and management. To this end, the Ministry of Defence has established a task force with UNSMIL and bilateral partners. The December 2011 United Nations/African Union assessment mission dispatched to look into the impact of the Libyan crisis on the Sahel region received no information that man-portable air defence systems had been smuggled out of Libya or had appeared in neighbouring countries. This is consistent with information to date which suggests that most looted arms are likely to remain within a perimeter of 50 km of the original storage sites. At the same time, wide circulation of light arms and small weapons, and the risk of their further spread, is a key concern for the Government and UNSMIL. Though numerous weapons registration initiatives have been launched at the local level, major progress in this area will take time.

37. There has been progress in accounting for the additional chemical materials and weapons found at the previously undeclared sites in Sabhā and Sokna. On 28 November 2011, Libyan authorities officially submitted to the Organization for the Prohibition of Chemical Weapons (OPCW) a declaration of these materials,

which had been transferred to the previously declared storage sites. From 17 to 19 January 2012, OPCW inspectors visited the sites in order to inspect facilities and verify the existence and safe storage of the newly transferred materials. Libya is to submit a plan for the destruction of the declared materials to OPCW by the end of April 2012. UNSMIL supported the OPCW visit with logistics and security, and will continue its overall facilitation role in this and related areas.

38. Regarding nuclear materials, on 9 December the International Atomic Energy Agency completed its visit to Libya, during which it confirmed that none of the previously recorded nuclear materials in the Tripoli Tajoura nuclear facility or the Sabhā yellowcake storage facilities had gone missing. Although the storage condition of the barrels is deteriorating, there is no immediate health risk. Nonetheless, the safety and security measures at the Sabhā facility are not deemed sufficient for the longer term. While the proliferation risk seems low given the weight and state of the barrels, the expeditious sale and transfer of the 6,400 barrels of nuclear material stored in Sabhā remains a key priority.

4. Landmines and explosive remnants of war

39. As of 31 January 2012, the Joint Mine Action Coordination Team has cleared 126,155 mines and other explosive remnants of war. While 60 schools and 2,624 houses have been cleared, initial surveys indicate this is only a fraction of the contamination. To respond to this continuing need, in December 2011 the Ministry of Defence established the Libyan Centre for Mine Action with a mandate to coordinate efforts in this domain.

40. During November and December, five children were killed and 56 injured owing to unexploded ordnance, the majority in and around Sirte. The Ministry of Education, in collaboration with the United Nations Children's Fund (UNICEF) and the Joint Mine Action Coordination Team, is intensifying risk education and awareness programmes. It has also convened the first national workshop, at which it was agreed to integrate risk education in school curricula and to develop an information system and a national strategy. To date, explosive remnants of war initiatives have reached an estimated 85,000 Libyans.

41. Mine action operations continue to be limited by lack of funds. On behalf of the Joint Mine Action Coordination Team, the United Nations Mine Action Service launched on 15 December an urgent appeal for $38.4 million to continue current operations and meet increased demands. Some donors have provided support, and there are currently 27 teams for clearance and 30 for risk education.

5. Integration, demobilization and reintegration

42. The issue of integrating and unifying revolutionary fighters into coherent national security institutions is one of the urgent priorities facing the Government during this transitional period. The relevant ministries have developed plans to integrate the fighters into the various security forces or to reintegrate them into civilian life. In January, the Commission for Warriors' Affairs and the Ministries of Planning and Local Government opened registration to all fighters. At the same time, the Ministries of the Interior and Defence initiated application processes for former combatants to join the police and the defence forces, respectively. UNSMIL has encouraged the Commission to consider allowing eligible women to register and

prioritize the demobilization of any children remaining associated with revolutionary brigades.

43. UNSMIL is exploring with the Office of the Prime Minister and concerned ministries and agencies how best the Government can be supported in creating a coherent national approach to demobilization and reintegration. UNSMIL and the World Health Organization (WHO) have engaged with the Government regarding the provision of psychosocial counselling services for former combatants and others, including children, who were associated with the armed groups and forces.

D. Socio-economic recovery and coordination of international assistance

44. Following the request of the National Transitional Council on 8 December to the Security Council Committee established pursuant to resolution 1970 (2011), sanctions were lifted on the Central Bank of Libya and the Libyan Arab Foreign Bank. On 20 December, UNSMIL supported the Libyan authorities in convening relevant bilateral representatives to accelerate the transfer of assets to Libyan control. Although the liquidity crisis is easing, financial management issues continue to hamper the Government's ability to allocate funds quickly in response to urgent needs.

45. The United Nations has worked with the Ministry of Planning on the establishment of institutional structures aimed at promoting the alignment of assistance from the United Nations and international community partners with national priorities and sectoral plans. United Nations projects approved under the former regime are being reviewed. The United Nations also assisted the Ministry in its coordination role with the relevant ministries in the formulation of sectoral plans with realizable goals for the six-month transitional period.

46. On 30 and 31 January, UNSMIL, together with the European Union and the World Bank, supported the Office of the Prime Minister in convening a workshop to facilitate coordinated provision of international assistance in areas including social services, anti-corruption measures, civil society, transitional justice and communication strategy. What began as the Libya coordinated needs assessment process under the auspices of the National Transitional Council, before the establishment of the interim Government, has now evolved into a Tripoli-based coordination structure led by the Office of the Prime Minister, which has requested support from UNSMIL, the European Union and the World Bank.

47. A joint World Bank/International Monetary Fund mission to Libya from 13 to 28 January focused on a macroeconomic overview, public expenditure and public financial management. The Government displayed transparency by making the concluding statement of IMF publicly available on its website. The mission noted, in particular, that speedy recovery would depend on improvements in the security sector, and stressed the need for ensuring transparency and accountability and establishing an independent statistical bureau.

E. Humanitarian situation

48. Following improvements in the humanitarian situation, major delivery of relief assistance was phased out in December. Under the direction of the Deputy Special Representative of the Secretary-General/Humanitarian Coordinator, agencies are

developing an action plan to ensure full coverage of residual humanitarian needs between January and June 2012. Key priorities include addressing the needs of the remaining internally displaced persons, returnees and minority groups; and mine action and removal of unexploded ordnance. In line with their exit strategies, humanitarian agencies are focusing on capacity-building for the Libyan Humanitarian Relief Agency (LibAid) and other national organizations.

49. The end of 2011 saw the progressive return of people displaced from the worst affected areas. As of January 2012, the majority of the Sirte and Bani Walid populations have returned, and organizations including LibAid, and national and international actors have been providing assistance. My Deputy Special Representative visited Bani Walid and Sirte on 3 and 4 January and noted that both cities needed assistance to accelerate the return to normalcy through the rebuilding and repair of public infrastructure and housing and the restoration of public services. At the same time, an estimated 65,000 to 80,000 people remain internally displaced, mainly Tawergha, other minorities and people associated with the former regime, owing to fears of reprisals in their areas of origin. They are in need of interim solutions to improve their living conditions and access to basic services, and in the longer term, reconciliation between communities to allow their return to their areas of origin. The Humanitarian Coordinator has urged that all efforts be made to reduce aid dependency and avoid the creation of displaced persons' camps.

50. In the absence of a clear legal or administrative framework on migration, irregular migrants and potential asylum-seekers continue to be detained in facilities operated by different authorities or "brigades". Approximately 600 people, including women and children, are being held at the Qanfouda migrant detention facility in Benghazi in poor conditions and without a clear process to determine their status or facilitate their release. Of the 18 migrant detention facilities operated by the Ministry of the Interior prior to the crisis, only two are under full control of the Ministry. IOM continues to assist migrants in distress through facilitation of citizenship verification, issuance of travel documents and voluntary repatriation operations by air charter and commercial flights. Difficult access to migrants and the absence of secure transit facilities in the west and south of the country remain the greatest challenges to direct assistance. In response to the poor conditions at the Qanfouda migrant detention facility, LibAid and other humanitarian actors have undertaken some refurbishments, provided non-food items and improved the provision of health services.

51. The deteriorating security situation in Syria has led to an influx of refugees entering Libya through the Egyptian border. During the month of January several hundred Syrians were stranded at the border pending negotiations over Libyan visa requirements. At the Salloum border crossing, UNHCR has provided stranded Syrians with more than 4,000 meals, while IOM has been helping with medical treatment and some non-food items. In Libya, UNHCR is complementing the efforts of local support organizations by providing technical assistance in registration, non-food items and support for vulnerable individuals.

IV. Deployment of the United Nations Support Mission in Libya

52. As of January, a total of 65 UNSMIL international staff members had been deployed, 55 in Tripoli, 4 in Benghazi and 6 at the Global Service Centre in

Brindisi, Italy. The latter group provides back-office support in line with the global field support strategy of the Department of Field Support. Seven national staff members have also been recruited. Preparation continued for the UNSMIL mission headquarters at the compound allocated to the Mission by the Libyan authorities in late 2011. It is expected that this facility will be ready by March 2012.

53. The status of mission agreement was signed by UNSMIL and the interim Government on 10 January. UNSMIL is now working with the Libyan authorities regarding implementation of the agreement.

V. Safety and security

54. The Government's initial steps towards establishing control in Tripoli, with increased visibility of the police and national army, improved the security environment, although isolated incidents in most localities have been reported. On four occasions, owing to the lack of coordination between the national and regional authorities, local authorities queried the movement of United Nations personnel. One serious incident involving detention of staff members of an international humanitarian organization in Sabhā in January was resolved quickly, and assurances sought from Libyan authorities.

55. In January, the designated official for security adopted the security risk assessment for Libya and the country-specific minimum operating security standards, following a revised countrywide security assessment, enabling managed access to most of Libya. Increased flexibility has become possible regarding vehicle use in Tripoli and Benghazi, as well as for some in-country missions.

VI. Future role of the Mission

56. In my 22 November 2011 report to the Security Council on the situation in Libya (S/2011/727), I recommended to Council members a three-month extension of the UNSMIL mandate to enable me to revert with proposals for adjustments reflecting the wishes of the new Government for future United Nations support. Accordingly, following the formation of the new Government in November, my Special Representative led a field-based integrated mission planning process in full cooperation with the United Nations country team, and in consultation with the Government of Libya.

57. The planning process and the consultations with Libyan interlocutors reaffirmed the continuing relevance of the Mission's mandate, as set out in Security Council resolutions 2009 (2011) and 2022 (2011). The interim authorities in particular have reiterated to my Special Representative the need for UNSMIL to continue its support to the democratic transition by providing comparative experiences, advice and assistance. There has also been wide consensus, both within the United Nations system and with partners, on the appropriateness of the gradual, light-footprint approach taken since September 2011.

58. After 42 years of authoritarian rule and international isolation, Libya faces daunting challenges in the months and years to come. This historic transition will take time, and there will inevitably be setbacks along the way. To succeed, Libya must be given the space required to determine its future. In this context, the role of

the United Nations should be to support Libyans in their efforts to carry out a democratic transition with broad support from the population, whose aspirations are reflected in various transitional milestones and commitments regarding inclusiveness and transparency, socio-economic equity and respect for human rights.

59. UNSMIL would provide its support as an integrated special political mission, with the United Nations country team closely involved in responding to Libya's transitional priorities. While the Mission would continue to focus on Libya's transitional requirements, it would provide its support in a manner that takes into account the longer-term reform needs through unified efforts with the United Nations agencies, whose assistance is also directed towards such future requirements. The field-based integrated planning process recommended that UNSMIL focus on the areas outlined below for the next 12 months.

A. Democratic transition

60. The organization in June 2012 of the country's first elections in decades constitutes the most visible and potentially most important milestone of the transition. Building on its engagement with Libyan authorities since September 2011, the UNSMIL integrated electoral section, with participation from UNDP and UNOPS, would continue to provide technical assistance and advisory services on a range of electoral-related requirements, including electoral security, voter and candidate registration, out of country and special list voting, budget and finance, procurement and electoral asset management, logistics and field operations, polling staff training and media relations. The Mission would also work closely with UNDP and other partners in the United Nations country team to ensure the safe, active and informed participation in the elections of the Libyan population, with a special emphasis on youth, women and minorities. UNSMIL would maintain its coordinating role to ensure that international assistance to the electoral process meets the specific needs of the Libyan context, with limited transaction costs for national partners, and is in full accordance with the principles of national ownership. UNSMIL support would then be extended to Libya's subsequent electoral and constitutional milestones.

61. The elections constitute one aspect of Libya's efforts to strengthen the links between the State, its Government and its citizens. The country's democratic transition is also confronted with the fact of weak, at times absent, State institutions, coupled with the long absence of political parties and civil society organizations. Working with the country team and other international partners, UNSMIL would also continue to support the political systems and institutions that will strengthen the transition's legitimacy, including better defined relations between the central Government and local authorities and the emergence of free and responsible media.

62. One of the key normative imperatives that would guide the work of the Mission and the United Nations system relates to the empowerment of women and the Security Council's resolutions on women and peace and security. Despite their significant presence on the front line of the revolution, women now face great challenges in ensuring their participation in the political, social and economic decisions that will determine Libya's future. UNSMIL would approach women's empowerment as a core dimension of delivering on its mandate across all areas. The Mission would promote women's rights and facilitate a process by which their needs, aspirations and challenges are taken into account. Key issues include

women's participation in elections, including their standing for office, and in constitutional processes; women's engagement in the transitional justice and reconciliation processes, including the aspects relating to missing persons; gender-sensitive security sector reform; and the strengthening of national and civil society capacities to safeguard women's rights and investigate violations. To complement this work, UNSMIL would work closely with the country team to ensure women's participation in development activities, in line with the commitments made in my seven-point action plan for gender-responsive peacebuilding.

63. The youth of Libya played a critical role in bringing about the revolution. They now want to ensure that the aims of the revolution are protected in and beyond the transition. Their enthusiasm, their commitment to the aims of the revolution and the clarity of their vision should be harnessed to help build a new Libya. UNSMIL would engage with youth to support their meaningful engagement in political and socio-economic life.

B. Public security

64. The progress of the political transition could be undermined by failure to strengthen the population's perception of security, an essential condition for civic engagement as well as for socio-economic activity. UNSMIL would support Libyan efforts to develop an effective and accountable security sector that respects human rights, upholds the rule of law and has the confidence of the people. To this end, the Mission's role would include the provision of strategic and technical advice to national stakeholders on security sector issues, including those pertaining to civilian oversight and management and the demobilization and integration or reintegration of ex-combatants.

65. Decisions related to the demobilization of ex-combatants and the unification of armed forces under State authority are complex, and closely linked to the political transition. UNSMIL would therefore continue its engagement with the interim Government in the strategic and operational planning of the different phases of the demobilization and integration processes. Assistance at the policy level would be complemented by a support role in the implementation of demobilization and integration processes in security sector institutions as requested. Similarly, UNSMIL and the United Nations country team would provide technical advisory support for the development of adequate socio-economic prospects for ex-combatants choosing to return to civilian life. To date, UNSMIL has been requested to provide technical assistance for the registration process under way.

66. One of the critical tasks over the mandate period will be to establish an accountable and professional police service throughout the country that performs a range of policing functions in accordance with human rights principles and that enhances the confidence of the Libyan people in the State's ability to provide security and justice. To that end, by deploying a range of specialists and police experts, UNSMIL would provide strategic and technical advisory services to the Ministry of the Interior on issues of oversight and management, command and control, strategic and operational planning, training needs, the integration of ex-combatants into the police and elections security. With respect to training, UNSMIL would assist in defining needs, developing training curricula that incorporate human rights dimensions and identifying the most appropriate sources

of assistance. It is expected that the actual training will be provided by bilateral actors under a framework coordinated by UNSMIL and in line with the United Nations human rights due diligence policy.

67. UNSMIL would also be in a position, if requested, to provide support to national authorities in meeting challenges in the defence sector, including those pertaining to the integration of ex-combatants into the branches of national defence and to civilian oversight and management of the defence sector. Burdened with decades of neglect and suffering from deep mistrust from many Libyans, Libya's defence forces will require sustained and profound reforms supported by a broad consensus on a vision for the national defence force, which can foster enhanced trust and confidence between defence stakeholders, other security forces and civil society.

C. Arms proliferation and border security

68. Potential setbacks to current efforts to control the availability and proliferation of arms and related materiel, including heavy weaponry and ammunitions, would pose serious risks of instability in Libya, including threats of armed clashes, criminality or trafficking, with likely regional consequences. As initially mandated by the Security Council in resolution 2022 (2011), UNSMIL would continue to support Libyan authorities in their efforts to establish effective oversight, management and control of the country's weapons arsenal in line with international conventions. To this end, UNSMIL would provide advice on international standards of arms control and assist the Libyan authorities in the registration of man-portable air defence systems, ammunition storage and management and the clearance of mines and explosive remnants of war, among others. UNSMIL would continue to facilitate in-country engagement by international weapons control bodies, such as OPCW and the International Atomic Energy Agency, and work closely with interested regional partners and relevant international organizations such as the International Civil Aviation Organization or the Counter-Terrorism Committee Executive Directorate. The Mission's arms control and border security functions would be implemented through an integrated United Nations structure, under an overall UNSMIL framework for the coordination of international assistance to the relevant Libyan authorities, based on a strong role for the United Nations Mine Action Service and participation from UNICEF and UNDP in the areas of mine risk education for children and institutional training, respectively.

69. UNSMIL would also assist Libyan authorities in their efforts to establish protection, oversight, management and control of the country's borders and to establish effective cooperation with its neighbours, and the wider region, on the issues of border security and arms control, including by promoting coordination with relevant regional and international mechanisms and organizations. UNSMIL would focus its engagement on supporting the relevant ministries in establishing an effective border security and management regime and coordinating international assistance in this respect. Both UNSMIL and the country team would offer normative and technical support to the Libyan authorities to ensure the integration of international human rights and refugee law considerations into their border management policies and practices, with a particular focus on migration and human and drug trafficking. UNSMIL would continue to work closely with the European Union and relevant bilateral partners that are engaging significantly in planning and

systems development, provision of modern technology and logistics, capacity-building and training.

D. Human rights, transitional justice and rule of law

70. To many, the most visible means through which the transition will be perceived as a genuine break from the previous regime lies in how the authorities will address the country's decades-long legacy of human rights violations, including violations committed during the eight-month conflict. The reconciliation and transitional justice process will bring into sharp focus a number of tensions, which cannot be ignored. The country will also need to address continuing serious human rights abuses, including against those perceived as having supported the former regime. Beyond the institutional and practical challenges related to the judicial system and the transfer of conflict-related detainees from the control of the brigades to State authorities, both their conditions in detention, including allegations of torture, and the legal process used to determine their fate will either strengthen or undermine the transition's legitimacy. The situation of marginalized groups, including migrants and internally displaced persons, and other potential human rights issues will also require close attention.

71. UNSMIL would give high priority to supporting the Libyan authorities and other civic institutions in ensuring that the transition, including the transitional justice process, is anchored in solid rule-of-law systems, institutions and practices and in respect for human rights. Support would be provided for the development and implementation of a comprehensive transitional justice strategy, on the basis of sound legal frameworks and international standards. UNSMIL would assist the authorities in the development of new legislation and in processes of legal and institutional reform, with a view to ensuring accountability and compliance with international human rights standards. It would also support the authorities in implementing recommendations emanating from international human rights mechanisms, including the International Commission of Inquiry into the human rights situation in Libya mandated by the Human Rights Council. The Mission could help secure technical assistance for the development of an independent national institution that would drive, sustain and monitor the country's commitment and capacity to promote and protect human rights. The Mission would facilitate the training of civil society to monitor human rights violations, develop strategies and establish mechanisms to advocate directly with ministries and other State institutions, while itself conducting basic monitoring functions to meet its United Nations reporting obligations.

72. UNSMIL's engagement in other rule-of-law efforts would focus on immediate strengthening of the corrections system and fostering effective linkages along the criminal justice chain. UNSMIL would in particular continue its advisory support to Libyan counterparts on the consolidation of the Ministry of Justice's authority over detainees, the review of their cases by means of a fair and transparent legal process and the prevention of human rights violations. The provision of political and technical advice, in collaboration with the United Nations country team, for the resumption of judicial functions within a cohesive and effective institutional framework would be an important function of the Mission. While UNSMIL will focus its engagement on the immediate transitional needs and the normative dimensions of corrections and justice initiatives as catalytic requirements for long-

term reforms, United Nations agencies would be prepared to provide support in developing the overall judicial infrastructure, including the training of judges, prosecutors and corrections officers, strategic planning and budgeting capacity, case management systems and legal aid services to the population, subject to the availability of programme resources.

E. International coordination and partnerships

73. As a resource-rich country, Libya has choices and many international actors, including private companies, are available to provide assistance. As in other transitional contexts, however, multiple offers can present significant transaction costs for national and local authorities, and the Government is already under severe stress to meet urgent priorities. In all of its mandate areas, UNSMIL would continue to support Libyan efforts to coordinate international engagement, with a view to ensuring that offers of assistance are focused on Libyan-defined needs and implemented with minimum demands on Libya's already stretched capacities. Where appropriate and requested, UNSMIL would facilitate the development of partnerships between Libya and international actors, especially in areas where the mission has neither the mandate nor the comparative advantage to respond directly to Libyan needs.

74. Efforts to revive and sustain Libya's economic growth present one illustration of the role of UNSMIL in providing an overall supportive framework for other actors, including the World Bank and IMF, to directly assist national authorities. While not directly involved in macroeconomic recovery initiatives, UNSMIL would continue to offer a platform where economic challenges with significant political implications can be addressed and where international support can be mobilized.

75. Regarding the resumption and reform of Libya's public administration, through its integrated structure, UNSMIL would continue to assist United Nations funds, programmes and agencies that may be requested to provide targeted technical assistance to a range of central ministries and institutions on issues of strategic planning, civil service reform and decentralization. In this area and others, UNSMIL would be available to mobilize external expertise and assist in the development of clear frameworks of engagement on the basis of principles of national ownership and effective coordination.

F. Mission approach

76. The overall concept of operations is informed by the Libyan context. In certain areas, the depth of United Nations support is increasingly clear, including in regard to electoral support, public security, human rights and transitional justice. However, given the fluid environment and the expected formation of a new Government during the proposed mandate period, it should also be expected that a range of requests will be formulated gradually throughout 2012 on the basis of emerging and at times unforeseen needs.

77. UNSMIL's overall mission concept should, therefore, have at its core the attributes of flexibility and responsiveness, driven by needs on the ground and the normative responsibilities of the United Nations. While in some areas, most notably electoral support, clear requests for intensive and sustained support have been

expressed, UNSMIL is not expected to consist of large, continuously deployed sections. Rather, the Mission should be equipped with a small core of relatively senior advisers across a range of mandate areas, and the capacities to bring rapidly on board short-term, dedicated technical expertise when required, to be co-located with Libyan partners where appropriate. UNSMIL will need to use a range of modalities to mobilize surge capacities, even for short-term assignments, from within the United Nations or from other international partners. This approach will require close collaboration between the Mission's in-country capacities and Headquarters capacities to ensure quick identification, mobilization and deployment of the required expertise, based on the most appropriate and efficient modality, including arrangements outlined in the civilian capacity review report (see A/66/311-S/2011/527).

78. As a result, the UNSMIL concept of operations requires a flexible approach to in-country resources, with a fluctuating presence based on Libya's needs and its Government's requests. In line with this approach and in light of the expected responsibility to intensify its support in areas critical to the success of the transition, the Mission will require some increased capacities. At the same time, Mission support would continue to adopt a minimum footprint in Libya with back-office functions to be performed at the Global Service Centre in Brindisi. UNSMIL would also continue to manage vacancies in its overall staffing provision flexibly to meet needs as they develop, in line with the global field support strategy. The Mission would have to be prepared to meet short-notice requirements for staff with specialist skills and experience, in close coordination with Headquarters counterparts, in order to meet required deployment timelines. Similarly, the UNSMIL budget would be managed flexibly to meet the Mission's needs, and synergies would need to be created from sharing of resources with the country team.

G. Safety and security of United Nations personnel

79. The integrated United Nations security management system will continue to facilitate United Nations programmes and operations and ensure an adequate level of security for United Nations staff in Libya. Actual and potential security risks to the United Nations in Libya will be identified and mitigated on the basis on systematic analyses of the operating environment, the development of key contacts with Libyan counterparts, the strategic application of United Nations security resources and the strengthening of relevant staff skills.

VII. Financial aspects

80. The Security Council, by its resolution 2009 (2011) of 16 September 2011, decided to establish a United Nations Support Mission in Libya (UNSMIL) under the leadership of a Special Representative of the Secretary-General for an initial period of three months. By its resolution 2022 (2011) of 2 December 2011, the Council decided to extend the mandate of UNSMIL until 16 March 2012. The General Assembly, in its resolution 66/247, authorized the Secretary-General to enter into commitments in an amount not to exceed $16 million. A budget proposal for UNSMIL for the period through December 2012 will be presented to the General Assembly during the second resumed part of its sixty-sixth session.

VIII. Observations and recommendations

81. Four months after the end of fighting, Libya's National Transitional Council and interim Government are addressing numerous challenges amid high popular expectations for the authorities to deliver and demands for greater accountability and transparency. They are doing so in the context of the deep-rooted legacy of the former regime, which includes weak and dysfunctional State institutions, the denial of political life and civil society, systematic human rights abuses, social engineering and deliberate marginalization of communities. The task of carrying forward a political process that has the broad participation of all major stakeholders, including civil society groups, is thus one of great difficulty, but I encourage Libya's leaders to persist in the spirit of inclusivity and reconciliation, which will ensure a successful transition.

82. The commitment with which youth and women contributed to Libya's revolution must be reflected in their continuing involvement in shaping the country's future. It would be particularly important for Libyan authorities to ensure women's full representation in political decision-making and across government institutions.

83. The first free and democratic elections in over four decades are a crucial opportunity for the Libyan people to exercise their right to confer legitimacy on governing institutions and on the constitution-making process. The participation of civil society in the consultations over the electoral law, the role now opened up for political entities and the acceptance of special measures to promote the representation of women usher in a new phase in the people's active engagement in the political process. It is of the utmost importance that all necessary measures are put in place, including security measures, to promote a conducive environment for credible, free and fair elections.

84. The Libyan authorities recognize that their foremost challenge is to address the wide circulation of weapons and the large number of armed "brigades" which continue to lack clear lines of command and control, and to develop professional State security institutions under democratic control. I welcome the priority given to integrating or reintegrating former fighters. This will inevitably be a gradual process, but Libya's future stability is ultimately dependent on the Government being the sole provider of security through security forces which protect its population and respect their human rights.

85. I am deeply concerned at the reports of torture and ill-treatment of prisoners, including third-country nationals. I welcome the public condemnation issued by the Government and its commitment to hold those responsible accountable, while recognizing the difficulties it faces in activating and reforming the judicial and corrections system in accordance with international standards. However, I urge the authorities to move more quickly and decisively to take effective legislative, administrative, judicial or other measures to prevent and/or punish any acts of torture. I also hope that priority will be given to introducing as soon as possible a regime of regulation of migration which is in accordance with international standards and to ensuring the protection of migrants and potential asylum-seekers.

86. I welcome the priority being given by the Government to curtailing the proliferation of arms and establishing border security, as well as its dialogue with Libya's neighbours. The United Nations stands ready to work with all countries of the region and with regional organizations in supporting efforts to address cross-border threats.

87. As Libya faces these and other challenges, the United Nations system will continue to offer its fullest support. To this end, I recommend that the Security Council renew the mandate of UNSMIL for another 12 months as an integrated special political mission in the areas provided for by Security Council resolutions 2009 (2011) and 2022 (2011), with a particular focus on the need for intensified support to Libyan efforts in the following areas: (a) democratic transition, including the electoral process; (b) public security, including the demobilization, integration or reintegration of ex-combatants; (c) human rights, transitional justice and rule of law; (d) proliferation of arms and border security; and (e) coordination of international support.

88. In our efforts to assist Libya since the conflict ended, we have pursued an approach which recognizes and respects the particularities of Libya, which may have lessons for other contexts. The United Nations system began to prepare itself early, and did so in a fully integrated manner, engaging with other multilateral and bilateral actors. Engagement with Libyan interlocutors was founded from its earliest stages on respect for national ownership, and the deployment of United Nations personnel into Libya followed a phased approach, responsive to the requests of Libyan counterparts. While this approach developed from an understanding of the Libyan context, it is consistent with my report on civilian capacity in the aftermath of conflict, where I noted that "early planning must include a strong field perspective, with United Nations staff already in country working with national stakeholders to assess national priorities and existing national capacity, including in the diaspora. This will help to ensure that planning is driven by national priorities and needs and not by the availability of international staff or other resources" (A/66/311-S/2011/527, para. 17).

89. The proposals for the extension of the UNSMIL mandate in the present report are a continuation of this approach. A relatively small special political mission, joining forces with the work of agencies, funds and programmes, limits the budgetary requirements. However, accompanying requirements are the need for a higher ratio of relatively senior staff and for flexible funding, as well as personnel and other mission support procedures which enable rapid delivery in response to emerging needs, while the Mission will of course remain fully accountable for the use made of its resources and flexibility.

90. The ultimate criterion for my recommendations is their appropriateness to the current Libyan context. I believe that not only the United Nations, but the international community as a whole, will best support Libya not by being driven by the supply side of post-conflict assistance, but by being responsive to Libya's own emerging sense of its needs for international support. A 12-month extension of the mandate of UNSMIL as proposed will enable the United Nations, on the basis of the positive relationship it enjoys with Libya, to deliver the support it has requested in areas crucial to the success of its transition.

91. In closing, I commend the Libyan authorities and people for their accomplishments to date and I thank them for their close cooperation and collaboration with the United Nations. I also thank all those international development partners, regional organizations and others who have supported the Libyan people in their efforts to secure peace and stability. Finally, I wish to extend my sincere thanks to the staff of UNSMIL and the United Nations system for their efforts to support Libya's transition under the leadership of my Special Representative, Ian Martin.

United Nations S/2012/130

Security Council

Distr.: General
2 March 2012
English
Original: Arabic

Identical letters dated 1 March 2012 from the Permanent Representative of the Syrian Arab Republic to the United Nations addressed to the Secretary-General, the President of the General Assembly and the President of the Security Council

On instructions from my Government, I should like to refer to the repeated negative statements concerning current events in Syria that have been made to the press by the President of the General Assembly. Those statements do not befit the role or the mandate of a President of that body, who ought to abide by the Charter of the United Nations and be impartial and objective, in accordance with the rules of procedure of the Assembly, which state: "The satisfactory progress of the proceedings depends essentially on [the] competence, authority, tact and impartiality [of the President of the General Assembly], [his] respect for the rights both of minorities as well as majorities, and [his] familiarity with the rules of procedure." On that basis, Member States must presume that the President of the Assembly will not be influenced by the political positions of his country, because he was elected as the President of all members of the General Assembly, not to use his position to advance the political stances of his country. The statements against Syria that have been made by the President of the Assembly have been characterized by ever-increasing stridency, and he has used language that is completely at odds with his position as a conciliator and his good offices. He has adopted methods that exceed the boundaries of his mandate, thereby aligning himself with the position of certain States that are declaring themselves to be enemies of Syria, while ignoring the position of other States that are not in favour of intervening in the internal affairs of Syria and stress the need for dialogue, the preservation of the stability of Syria and the realization of its people's interests.

Set forth below are a number of points that illustrate what we have mentioned above. The statements that have been made by the President of the General Assembly and his convulsive stance towards the country raise many queries as to his impartiality and personal objectivity.

1. The President of the General Assembly conspicuously breached normal practice and the provisions of General Assembly resolution 65/281, entitled "Review of the Human Rights Council", when he convened on 13 February 2012 a plenary meeting of the Assembly to discuss agenda item 64, entitled "Report of the Human Rights Council", regardless of the fact that, at the time, we drew the attention of the President and the States members of the Assembly to that infringement. We therefore advised the President of the Assembly to take independent legal advice in order to avoid creating a dangerous precedent that

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would later pave the way for other procedural violations and breaches of the provisions of Assembly resolutions. Unfortunately, however, he refused to do so and persisted in his violations, thus incurring the censure of many Member State delegations and creating a negative precedent which will be registered in the annals of the Assembly and reverberate for a long time.

2. The United Nations is an international organization of Governments that comprises Member States, as stated in the Charter of the United Nations, Articles 3 and 4, and it must therefore take into consideration the official positions of States on the issues that concern them. It is thus unacceptable for the President of the General Assembly to ignore, in his statements and positions, all the information with which he has been provided by the Government of the Syrian Arab Republic, a founding Member of the United Nations, by means of a number of letters that have been issued as official United Nations documents. Those letters contained documented facts and conveyed a truthful picture of what is taking place in Syria, with respect to both the set of comprehensive reforms and the terrorist acts being carried out by the armed groups that are receiving financial, political, media and logistical support from foreign parties, including Qatar.

3. The position of the President of the General Assembly is one of the highest positions in the United Nations, and the incumbent must be impartial and completely independent of the political positions of his country. His job is to promote dialogue and to bring about peaceful solutions to various problems. It was therefore to be expected that the President of the Assembly, who chose the theme of mediation and affirmed the importance of dialogue, should distance himself from the official, open calls made by the Prime Minister of his country, Qatar, Sheikh Hamad bin Jassim Al-Thani, for the Syrian opposition to be provided with arms and for direct military intervention in Syria. Such calls bring to mind the crimes and massacres that took place in Libya and Iraq, which led, in the end, to widespread destruction, violence, anarchy and terrorism, and fomented civil war.

4. With no authority from Member States, the President of the General Assembly has on more than one occasion, most recently on 24 February 2012, expressed his support for and welcomed the convening of the so-called "Friends of Syria" conference in a manner that constitutes blatant prejudice and support for the position of certain United Nations Member States rather than those others who refused to take part in that conference. More than two thirds of Member States did not attend, believing that its aim was to intervene in the affairs of a sovereign State and to provide coverage and support for the armed terrorist groups while ostensibly supporting the opposition, which is a clear violation of the principles of international law and the Charter of the United Nations. The President of the Assembly was supposed to act in support of the role and position of the United Nations, not to demolish and circumvent that role by encouraging initiatives that did not come within the United Nations framework and supporting the convening of conferences that issue resolutions and statements that conflict with the purposes and principles of the United Nations. Everyone is aware that the President of the Assembly chose as the theme for the high-level debate at the opening of the sixty-sixth session "The role of mediation in the settlement of disputes by peaceful means", and that he undertook to strengthen the role of mediation through the United Nations. However, his support for and the welcome that he extended to the Tunis conference, to which Syria, the State most directly concerned, was not invited,

completely contradicts the theme which he himself chose and empties it of all meaning.

5. The statements made by the President of the General Assembly have shamefully disregarded the truth as to what is happening in Syria. None of those statements have made any reference to any of the genuine reforms that are taking place in Syria, which culminated in the adoption of a new national Constitution by direct popular plebiscite that was concluded on 26 February 2012. That Constitution provides for the establishment of the modern Syrian democratic State, which will be based on the rule of law, the equality of all citizens and political and economic pluralism; protect general freedoms; and exercise authority democratically through the ballot box, all of which matters were legitimate demands of wide sectors of the Syrian people, and those demands have been met. Furthermore, none of the statements of the President of the Assembly have made any reference to the actions of the armed terrorist groups which have carried out terrorist attacks on public and private institutions in the State and against Syrian civilians and soldiers, as confirmed by the report of the League of Arab States Observer Mission to Syria (see S/2012/71).

In conclusion, we stress that such unjustified statements disregard the aspirations of the Syrian people to reform, stability, security and prosperity, and their rejection of any type of foreign intervention. Those statements do not help the United Nations in any way to carry out its role and lofty mission to maintain international peace and security, which is far from threats, the imposition of foreign dictates and intervention in the internal affairs of States. They increase the probability of tension and violence and send the wrong message to the armed terrorist groups and their sponsors, to the effect that they may carry on with their attacks against the State and people of Syria.

I should be grateful if you would have the present letter issued as a document of the Security Council.

(*Signed*) Bashar **Ja'afari**
Ambassador
Permanent Representative

United Nations S/2012/131

Security Council

Distr.: General
2 March 2012
English
Original: Arabic

Identical letters dated 1 March 2012 from the Permanent Representative of the Syrian Arab Republic to the United Nations addressed to the Secretary-General and the President of the Security Council

Ever since the events in the Syrian Arab Republic began, the country has affirmed that armed groups are killing innocent persons in order to arouse citizens' sentiments and make cheap gains at the regional and international levels. However, the parties that were responsible for arming those groups have denied this ever since the events in Syria began. The use of arms by those groups has resulted in the deaths of more than 2,000 Syrian law enforcement officials and the destruction and burning of dozens of public and private facilities as well as oil and gas pipelines and railway cars.

In response, it was necessary for the competent Syrian authorities to take appropriate measures in order to protect innocent citizens and ensure their safe movement and the safety of their property, as well as to preserve the prestige of the State and its institutions, as any other State would do. When the State fulfilled the obligations incumbent upon it, certain Arab and Western parties with ties to those armed groups launched baseless attacks, openly declaring material and political support for the terrorist actions of those groups. Those parties attempted to vilify the Syrian Arab Republic and mobilize international public opinion against it, including by convening countless sessions of the League of Arab States, the Human Rights Council, the General Assembly and the Security Council.

The League of Arab States Observer Mission verified the existence of those armed groups and established that, instead of adhering to the Arab plan of action, they were firing on law enforcement forces, destroying public and private facilities and targeting innocent persons. Thereupon, unfortunately, the League withdrew its observers in order to hide the truth and circumvent its own resolutions. The decision not to submit an official version of its report to the Security Council at the appropriate time is the greatest evidence that the League has disavowed its resolutions and lost credibility.

Syria was not surprised when the Minister for Foreign Affairs of Saudi Arabia and the Prime Minister and Minister for Foreign Affairs of Qatar, speaking in the course of and after the conclusion of what the Syrian people have dubbed "The Enemies of Syria conference", which was held in Tunis on 24 February 2012, stressed the importance of arming the Syrian opposition. They were, unfortunately, supported by the representatives of several Western States and by the Secretary-

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General of the League of Arab States himself. In that connection, Syria would like to affirm that the arming of the opposition is not a recent development but began a long time ago. The resolutions that the League of Arab States and the General Assembly have adopted are merely a smokescreen for their illegal support, which violates the Charter of the United Nations, the Charter of the League of Arab States and international law, and runs counter to friendly relations among Arab countries. The question that those parties must answer is: when did terrorism and bearing arms become an integral part of being an opposition?

Those who are interested in the welfare of the Syrian people and wish to see them enjoy freedom and democracy must, firstly, have freedom and democracy in their own countries and, secondly, be concerned with human welfare.

Syria affirms that terrorism cannot be characterized as self-defence, and would like to draw attention to the opportunism of certain States, which claim to be fighting global terrorism even as they are arming terrorists in Syria and other parts of the world. The prevalence of such a notion will undermine all efforts to counter terrorism and crime. Syria holds those States that are supporting the activities of terrorist groups in its territory responsible for all loss of Syrian lives. Certain neighbouring States have helped terrorists to acquire weapons and have hosted and trained them in their territories. Such actions are contrary to good-neighbourly relations, will have disastrous consequences for the region and will cause those States to pay dearly for blindly pursuing such policies. The creation of a military office by the Istanbul council with a view to managing its military operations against Syria from a neighbouring country is further evidence of the terrorist nature of the opposition, which is now in plain view.

Lastly, Syria affirms that it continues to press forward with national dialogue, which is the only means of resolving existing problems. It furthermore affirms its commitment to the continuation of the reform process, which recently culminated in the endorsement by the majority of Syrians of the new Constitution. The Syria of the future will be built on this new Constitution, which provides for a multiparty political system, free elections and respect for the ballot box. Syria hopes that the members of the Security Council that respect the Charter of the United Nations, which calls for the peaceful resolution of conflicts, will not permit the adoption of any resolutions that authorize aggression against States, subvert State sovereignty and independence, and undermine efforts to maintain regional and international security and peace.

I should be grateful if the present letter could be circulated as a document of the Security Council.

(*Signed*) Bashar **Ja'afari**
Permanent Representative of the Syrian Arab Republic
to the United Nations

United Nations S/2012/132

Security Council

Distr.: General
5 March 2012

Original: English

Letter dated 2 March 2012 from the Acting Permanent Representative of South Sudan to the United Nations addressed to the President of the Security Council

On behalf of the Republic of South Sudan, I have the pleasure to enclose a letter addressed to you from the Honourable Nhial Deng Nhial, Minister of Foreign Affairs and International Cooperation (see annex).

I would be most grateful if the present letter and its annex could be circulated as a document of the Security Council.

(*Signed*) David **Buom Choat**
Acting Permanent Representative
Permanent Mission of South Sudan to the United Nations

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Annex to the letter dated 2 March 2012 from the Acting Permanent Representative of the Republic of South Sudan to the United Nations addressed to the President of the Security Council

Protest Note against the aggression of the Republic of the Sudan on the Republic of South Sudan

While efforts are under way to ease the tension between our young country and the Republic of the Sudan, as manifested by the signing of the security memorandum of understanding between the two sides under the auspices of the African Union High-level Implementation Panel in Addis Ababa recently, the government of the Republic of the Sudan has continued with impunity its unabated aggression on the Republic of South Sudan.

In yet another episode of what has now become a pattern and a common practice by Khartoum to frequently violate the territorial integrity of the Republic of South Sudan through aerial attacks and encroachment by ground forces into the territory of the Republic of South Sudan, the Sudan Armed Forces carried out on 29 February 2012 at 14:00 local time an aerial bombardment deep inside the territory of the Republic of South Sudan. This bombardment, which occurred more than 50 kms deep inside the Republic of South Sudan, marks a dangerous precedent and an alarming escalation in Khartoum's campaign to undermine our country's sovereignty and destroy our economic base, as this bombardment targeted the oil infrastructure in the Unity State of the Republic of South Sudan.

The extension of Khartoum bombing raids from refugee camps and civilian settlements to oil infrastructure in the Republic of South Sudan by all proportions represent a real threat to peace, security and stability not only between the two states, but to the entire region.

We call upon the United Nations Security Council to condemn these wanton acts of aggression by the Republic of the Sudan against the Republic of South Sudan in the strongest possible terms, and take stern measures against Khartoum to ensure that its flagrant aggression and attacks against the territory of the Republic of South Sudan are halted.

(*Signed*) Nhial **Deng Nhial**
Minister of Foreign Affairs and International Cooperation
Republic of South Sudan